Holiday orphan tale staged by CET

Symphony serves full-fledged Christmas blowout

MaryLee sings for the wee ones — INSIDE THIS WEEK

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December 17-23, 2004

YOUR SOURCE FOR LOCAL NEWS, ARTS AND OPINION SINCE 1915

Saying a prayer for Matthew

By KIRSTIE WILDE

WHEN LINDA Scholink received the dreaded phone call the night of Nov. 19 — "Your son has been in an accident and you need to go to Community Hospital" — she figured maybe it was a fender-bender and he had a broken leg or something. After all, Matthew was a charmed kid who'd never even had a stitch and had been in the hospital only once, on the day he was born 18 years before.

But when she arrived at CHOMP to see the stricken faces of the two teens who survived the crash unscathed and heard the word "coma," everything melted into a blur.

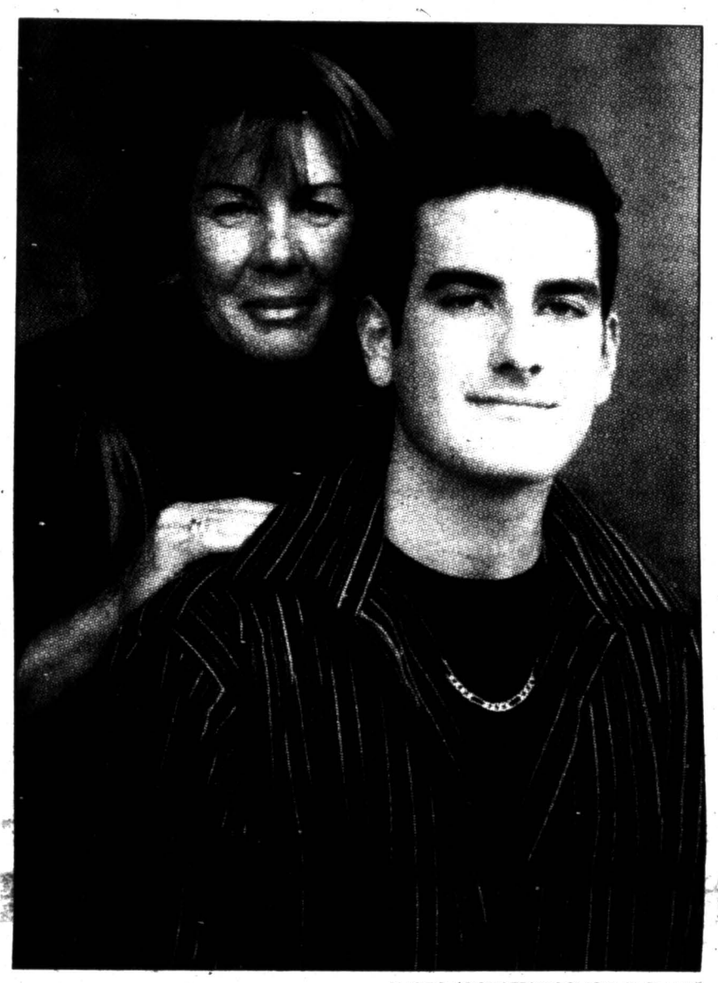
She remembers a few snippets she was told about the accident: that Matt's lifelong friend, Vincent Torrente, had lost control of his Mustang near Del Monte Center after trying to beat a yellow light. He wrapped the car around a light pole, hurling Matt, who wasn't wearing his seat belt, into the windshield. Police said no drugs or alcohol were involved, and Vincent and the other passenger, Mark Grosnick, were OK, but Matthew was left in critical condition with severe head injuries.

His mother remembers what he looked like: The left side of his head was swollen three inches out, covered in blood. His eyes were swollen shut and bulged grotesquely from the sockets. She also remembers a curious detail:

"I remember someone saying there was an angel at the top of the light pole."

For two long weeks, Matthew was in a coma, but he was far from alone. The CHOMP waiting room, the koi pond, even the parking lot at times were crowded with people praying for him. They were sandbox buddies, pony baseball teammates, friends from Carmel, Palma, P.G.,

*See **MATTHEW** page 19A*



PHOTO/COURTESY SCHOLINK FAMILY

In May 2004 Linda Scholink posed at Carmel Mission with her son, Matthew, who had just turned 18. She has rarely left his bedside since a Nov. 19 accident put him in a coma.

Eight more restaurants caught in ADA scam

■ *Federal judge's 'vexatious litigant' ruling may help*

By PAUL MILLER

IN HIS second sweep through the Monterey Peninsula, notorious ADA litigant Jarek Molski has filed new lawsuits against eight local businesses, including some of downtown Carmel's most popular restaurants.

The new lawsuits, filed during the last six weeks at the federal courthouse in San Jose, target Casanova, Jack London's, A.W. Shucks, Carmel Bakery, Robata, Lugano, Friar Tucks and Katy's Place.

The suits, which each ask for more than $1.5 million in damages for a variety of alleged handicapped-accessibility problems, came just before a Senior U.S. District Court Judge for the Central District of California, Edward Rafeedie, barred Molski from filing any more ADA lawsuits in the district without permission from the court.

"The court believes Molski's ADA claims are a sham," and are filed only to "extort a settlement" from small businesses which can't afford a drawn-out battle in court, Judge Rafeedie wrote after a Solvang restaurant targeted by Molski asked the judge to declare him a "vexatious litigant."

The fact that Molski's nearly 400 suits since 1998 have alleged nearly identical circumstances; that he never takes

*See **ADA** page 39A*

RANCH NAME WON'T BE CHANGED TO HONOR FUNT

By CHRIS COUNTS

ALLEN FUNT left his mark on American pop culture with the zany and innovative "Candid Camera" television series, but that's not enough to warrant the name change of his former ranch in Big Sur, U.S. Forest Service officials say.

His son, Peter Funt, and others urged the forest service to reconsider the name of the Brazil Ranch, one of California's most scenic properties, which was acquired by the government in 2002. The decision to maintain the existing name should not be considered a slight to Funt's legacy, said Rich Tobin, director of conservation partnerships for the

*See **FUNT** page 17A*

C.V. dogs poisoned

By MARY BROWNFIELD

TWO CARMEL Valley dogs recently ingested poison, which killed one and sent the other into convulsions. Their owners, a veterinarian and the SPCA are now warning people about allowing their pets to run loose.

The first incident occurred before Thanksgiving, when Pat and Kathy Ryan found their golden retriever, Shannon, dead.

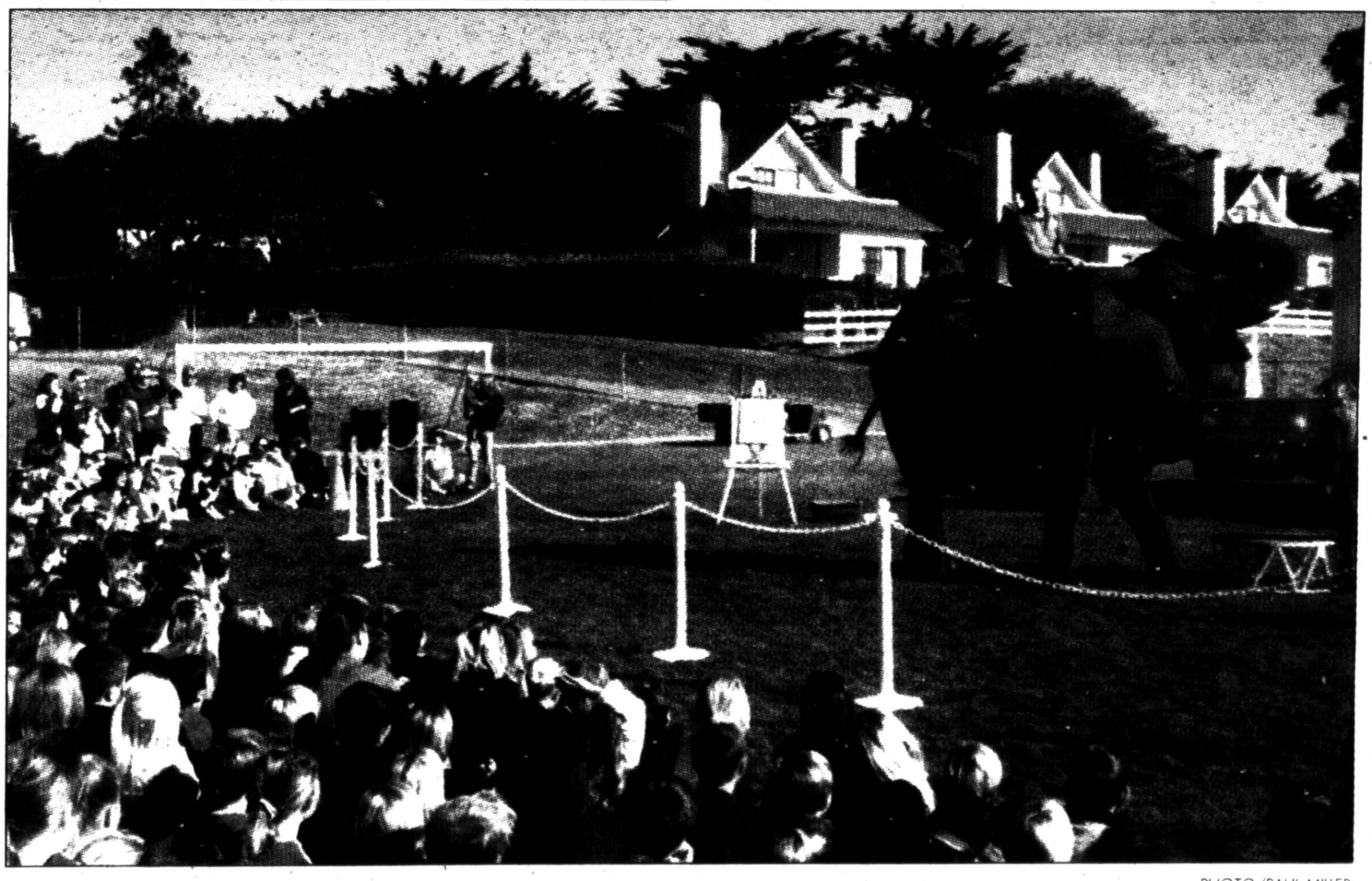
"The only thing we know for sure is we came home to a dead dog," said Pat Ryan. A necropsy by their veterinarian determined she had eaten rat poison.

"My guess is someone put out rat bait and Shannon got into it," said Ryan. "It was definitely not ours — I can tell you that."

The Ryans often let their dogs run loose in the meadow in Robles del Rio, where they live.

"Sometimes they would come home with us, and sometimes they wouldn't," he said. "It's not a neighborhood where we have to be concerned with traffic, and people are very dog friendly. We let them run, and Shannon was one of those dogs

*See **POISON** page 18A*



PHOTO/PAUL MILLER

Wild Things Animal Rentals owner Charlie Sammut enticed his African elephant, Lisa, to strut her stuff under a sparking December sky Wednesday as delighted Carmel River School students, teachers, staff and parents looked on.

How do you clip an elephant's toenails?

By MARY BROWNFIELD

CARMEL RIVER School now has a masterpiece to hang in the front office or sell at auction during its March fundraiser. The artwork may be too abstract to interpret, but what can critics expect of a piece painted by an African elephant?

Lisa, who lives at Wild Things Animal Rentals in Salinas, performed for River School students Wednesday morning on the lower playground as owner Charlie Sammut showed off her many talents and wowed his young audience with elephantine facts.

"It was even better than we had anticipated," said principal Jay Marden, who made Lisa's visit happen after parent Erin Clark suggested it. "As soon as the idea left her lips, I said, 'Absolutely.'"

Marden believed the elephant's visit would provide a good

*See **ELEPHANT** page 14A*

Reward for I.D. of Pebble Beach picnic table torcher

By MARY BROWNFIELD

A GROUP of Del Monte Forest residents is offering a $3,000 reward for information leading to the arrest and conviction of whoever chopped up $4,500 worth of picnic tables and burned them in bonfires at Indian Village picnic grounds last summer.

"It's a cold case, but it's always been a cold case," said Del Monte Forest Foundation President Paul Woudenberg. "They never had a clue about who did this. We need information which will allow us to pursue an arrest and conviction."

The bonfires occurred on three separate nights — June 7 and 8, and again on July 21 or 22 — but they were reported after the fact by people who spied the charred remains of the 11 tables by the light of day. Arson investigators searched for clues but came up with little to identify a suspect.

'They never had a clue about who did this. We need information which will allow us to pursue an arrest and conviction.'

— Paul Woudenberg

"It cost us $10,000 to replace those tables, plus we went to a lot of other trouble, and we hope people in the Pebble Beach community who may know something about this will give us help," Woudenberg said.

The DMFF, Del Monte Forest Property Owners, the Pebble Beach Riding & Trails Association and the Pebble Beach Community Services District all chipped in for the 12 new concrete picnic tables installed at Indian Village, according to Woudenberg.

He said security cameras and other steps have been taken to provide further protection for the popular picnic area located off Indian Village Road near Seal and Bird rocks.

"The community services district is as concerned as we are, because vandalism in the forest — everything from mailboxes to the arson at Indian Village — is of great concern," he said.

Beyond that, a fire could quickly grow out of control in such a forested area and cause major devastation, Woudenberg added.

Anyone with information on the table torching last summer should call Richard Farfan at the community services district, (831) 373-1293. The community services district also handles reservations for parties at the picnic grounds.

Gallery owner shares his profits

THE OWNER of a recently opened Carmel art gallery donated $4,000 to the National Marine Sanctuary Foundation last week — a share of the proceeds from a month-long sale of 20th century masters' works — and hopes to repeat the generous gesture with other local charities come springtime.

Carl Brzovich ran other people's galleries for 23 years before opening his own, Oliver, Elliott and Sebastian Fine Art, on Ocean Avenue in May.

The gallery features a 500-year span of artwork, and Brzovich said he plans to hold half a dozen events, starting in the spring, which highlight a particular artist or period. As with the donation to Jean-Michel Cousteau and the National Marine Sanctuary Foundation, he will contribute a percentage of the sales to a noteworthy nonprofit following each show.

"My goal is to dedicate each event to a worthwhile organization in the community," he said. "I like to keep it local. This is where I'm making my living, and I want to give back to the community allowing me to hopefully thrive over a long period of time."

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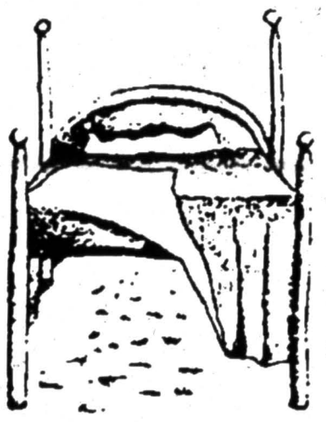

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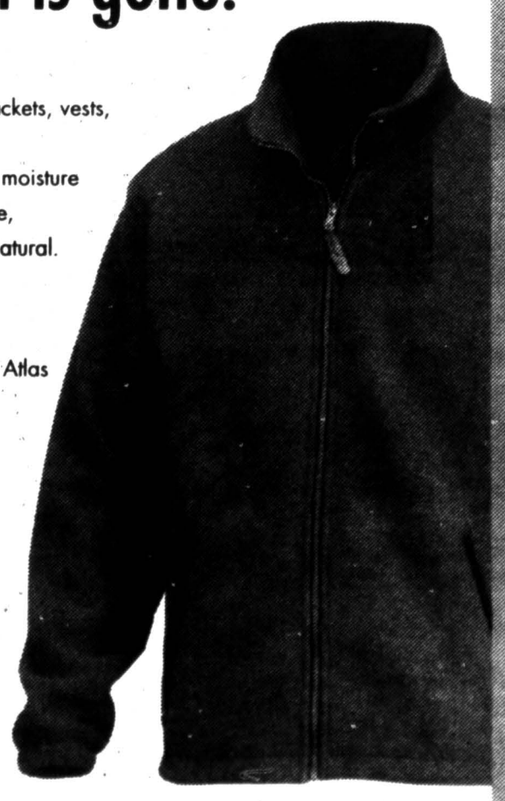

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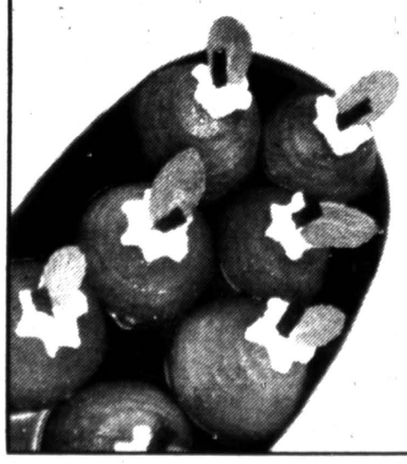

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REGIONAL PARK DISTRICT ACQUIRES NEW PRIZE

By CHRIS COUNTS

IT TOOK the Monterey Peninsula Regional Park District three decades to acquire all the land inside the boundaries of its crown jewel, 3,500-acre Garland Ranch Regional Park. In just one real estate transaction that closed escrow Dec. 6, the park district added a staggering 3,616 acres to a new park that has been described as "The Gateway to Big Sur."

Palo Corona Ranch Regional Park, now 4,300 acres in all, is a familiar sight to local residents. Anyone driving south along Highway 1 who looks to the green hills above the mouth of Carmel Valley can see what locals call the Fish Ranch, after a New Yorker named Sidney Webster Fish who bought the property in 1926.

The new park will offer visitors sweeping views of Point Lobos, Carmel Bay, the Monterey Peninsula and Carmel Valley.

The ranch has long been considered a prime target for public land acquisition. Its flora and fauna include rare native stands of Monterey pine, old-growth redwood, condor, black bear, mountain lion, tiger salamander, Smith's blue butterfly and steelhead trout.

"Completing the acquisition of this magnificent property is an important milestone," park district general manager Joe Donofrio said. "The new park will provide the public with a wonderful scenic open space area to explore while protecting significant wildlife corridors." The park is tentatively set for public access in the spring.

The park district acquisition was part of a larger deal that transferred most of the former 9,898-acre Fish Ranch into public ownership. California Department of Fish and Game acquired 5,562 acres in the same transaction.

The total cost of the purchase was $37 million. The Wildlife Conservation Board contributed $14 million. The California Coastal Conservancy and state parks each added $9 million. The park district spent $5 million, including $1.5 million received from a state park bond act.

Last April, The Nature Conservancy and the Big Sur Land Trust completed the sale and transfer to public ownership of a 680-acre portion of the ranch to the park district.

All urged to bop til you drop

A "JAM-A-THON" is planned for 7 p.m. Monday, Dec. 20 and will continue until 8 p.m. Tuesday, Dec. 21 at the Carmel Youth Center as a benefit for the Jazzmasters Workshop. Both student and professional musicians will perform during the 25-hour event. Tax-deductible contributions are requested to keep the jammers jamming and the musicians learning. Info: call (831) 659-4654.

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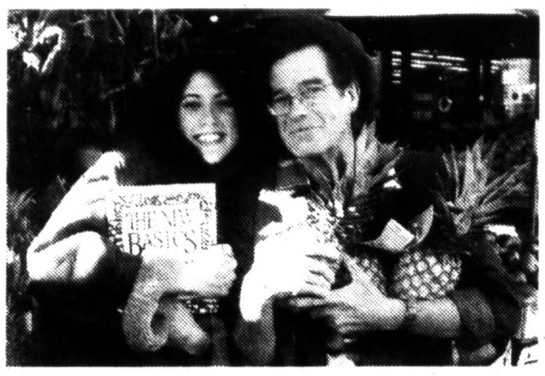

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Police & Sheriff's Log

Bank makes woman spitting mad

HERE'S A look at some of the significant calls logged by the Carmel-by-the-Sea Police Department, the Carmel Fire Department and the Monterey County Sheriff's Office last week. This week's log was compiled by Mary Brownfield.

SUNDAY, DECEMBER 5

Carmel-by-the-Sea: Male suspect, age 36, was contacted sleeping in a delivery van on Ocean Avenue at 0610 hours. He had scratches about his face that appeared inflicted due to a fall. He stated he was in Monterey. His eyes were red and watery, and he was unable to stand without assistance. The odor of an alcoholic beverage emanated from his breath and body. He walked with a staggered gate and his speech was very slurred. He was arrested for public intoxication and lodged at Monterey P.D. until sober, and then released on citation.

Carmel-by-the-Sea: Unknown suspect gained entry into a victim's unlocked vehicle while it was parked on Santa Rita and rummaged through it.

Carmel-by-the-Sea: At approximately 1030 hours, an officer reported seeing a dog loose in the area of Junipero and 12th. Upon arrival, the dog was on Mission Street between 12th and 13th and was followed home by the animal control officer. The owner was contacted and found to have been previously warned on 04-19 for a loose dog in the residential area. The dog owner was cited.

Carmel-by-the-Sea: Male reported he misplaced his I.D. and credit card while attending a party on Dolores Street.

Carmel-by-the-Sea: Unknown suspect(s) gained entry to the victim's unlocked vehicle while it was parked on Santa Fe and stole several items.

Carmel-by-the-Sea: The director of a theatrical production that was playing at a Monte Verde Street theater took off his jacket and placed it on a seat after the show was over. He then went backstage to meet the actors. About 15 minutes later, he returned to his seat and found his jacket missing.

Carmel-by-the-Sea: Suspicious vehicle on Del Mar. Male and female subjects in back seat of vehicle at 2347 hours considered suspicious.

Carmel-by-the-Sea: Engine 7111 responded to a medical emergency on 10th Avenue. On scene, firefighters assisted ambulance crew with vitals, EKG,, I.V., oxygen, patient report information and loading for an elderly female who had suffered a possible stroke. Patient transported to CHOMP by ambulance.

Carmel Valley: Anonymous person reported possible domestic disturbance at a Del Mesa Carmel residence. Contacted both residents, including a 41-year-old male, and everything was fine.

See ***POLICE LOG*** *page 8A*

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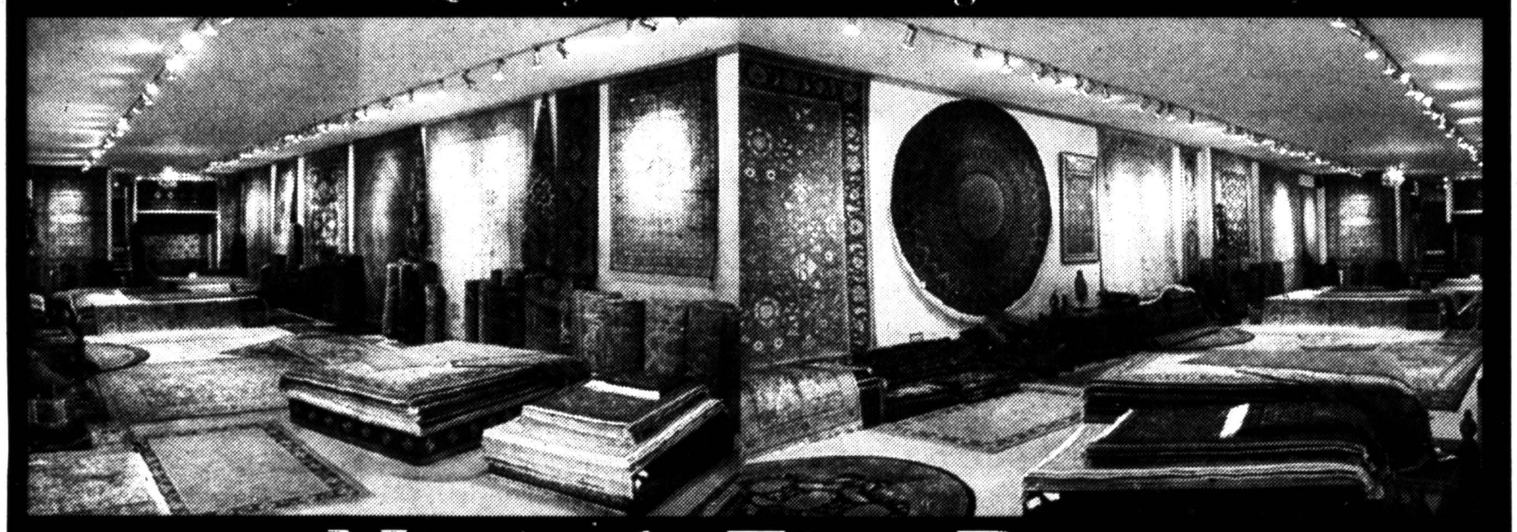

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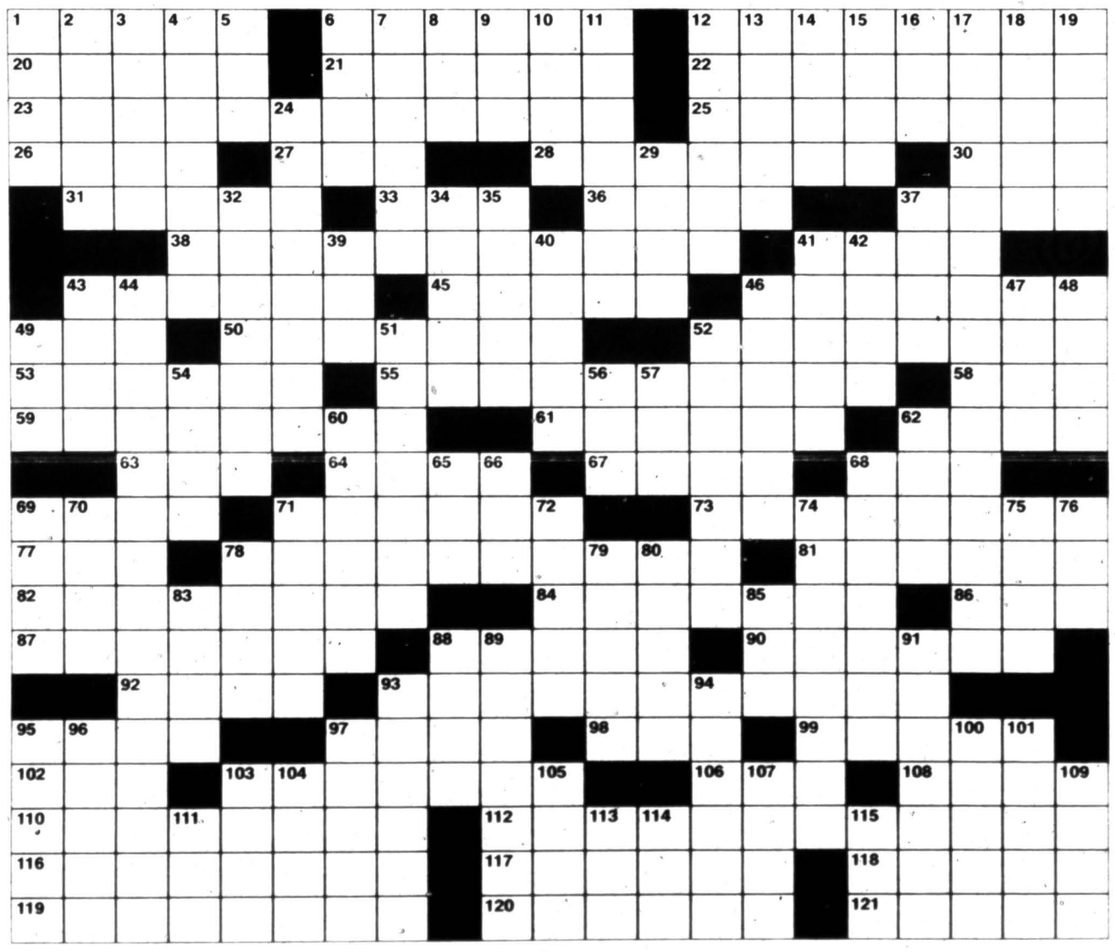

ACROSS

1 Fan's sound
6 One of the Brothers Karamazov
12 Collapsible lid
20 Ran very slowly
21 Like most sonnets
22 Multiply like an amoeba
23 Amazed telegram recipient's cry?
25 One who gets a reaction
26 In order
27 Jerk
28 Letter getter
30 "Dennis the Menace" airer on old TV
31 One going down fast
33 PC key
36 Palliate
37 Indian butter
38 Midshipmen's gridiron gains?
41 Fairylike being of myth
43 Where a lot of fed. govt. workers live
45 Playwright Peter who wrote "Marat/Sade"
46 TV Guide data
49 Water, chemically
50 Ignored, as authority
52 Calling "chicken," perhaps
53 Colorful circle
55 Saw out of the blue?
58 Supporting
59 Got milk
61 Correspondence
62 Famous murder defendant of the 1920's
63 Silent authority?
64 Unstimulating
67 Lengthy sentence
68 Carol contraction
69 Silent army
71 Some multiplayer deals
73 "You don't say!"
77 Book before Esther: Abbr.
78 What a local news broadcast leads with?
81 Announce
82 Darkening
84 Impetuously, perhaps
86 Gloomy guy
87 "Don't worry"
88 Clinton's first secretary of defense
90 Relatively rare
92 Falls behind, in a way
93 Tramp class?
95 One of 12 popes
97 "See ya"
98 Namath put it on the map: Abbr.
99 Grounds for a good night's sleep?
102 Table scrap
103 Befuddled
106 Land's end?
108 Kind of theater
110 "Darned if I know"
112 Result of a vacuum cleaner mishap?
116 One tooting a horn
117 Joins in
118 Busted
119 Diving areas
120 Hate with a passion
121 Primary strategy

DOWN

1 Blows away
2 Ding Dong alternatives
3 "The Compleat Angler" author Walton
4 Strong Greek wine
5 Nutritionist's fig.
6 Goes belly up
7 Raymond of "Dr. Kildare"
8 Chats online, for short
9 Course list abbr.
10 Baltic port
11 Cool brews
12 "You don't even want to know the alternative!"
13 Canada's Point ___ National Park
14 Polish
15 Wedding fling?
16 Bird: Prefix
17 Cost of a mail-order bride?
18 Building material
19 Clipped
24 Get bug-eyed over
29 Gorgons
32 Cold weather protector
34 Took care of
35 Tread stealthily
37 Alfred E. Neuman feature
39 7' 5" Ming
40 Made fancy
41 Little digit
42 Lake tribe
43 Mrs. Copperfield
44 Order to a power plant worker?
46 Small types
47 Cheney's predecessor
48 Hoity-toity one
49 Prince of Broadway
51 Kite aid
52 Nourished the mind
54 Early Nebraskans
56 Bro
57 Jackie's second
60 Coarse
62 Moonshine maker
65 Pledge of allegiance
66 ___ gratias
68 Early seafarers feared going over it
69 Not behind
70 "Eye of ___ ..."
71 Robes of office, once
72 Breaks off
74 Like some nuts
75 Putdown
76 Has too much, briefly
78 Lift
79 Baker of song
80 Swindler, slangily
83 Some stock quotes
85 Sheet music abbr.
88 Road runner
89 Lit
91 It usually has a point
93 Some farm machinery
94 Respected ones
95 Put forward
96 Goddess of peace
97 Broken
100 Range from Iowa
101 Twisted character in "Oliver Twist"
103 Bad spots for a date
104 Next
105 Unit of volume
107 Once, once
109 TV warrior
111 Initials in stone
113 Giant of old
114 Sign of a winner
115 Surrealist sculptor

Answer to puzzle on page 18A

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CARMEL PINE CONE WELCOMES TWO LITTLE SPROUTS

PINE CONE STAFF REPORT

RECEPTIONIST Irma Garcia and real estate advertising specialist Jung Yi welcomed brand new babies into their families last month. Adeline Crabbe was born Nov. 4 and weighed 7 pounds and 15 ounces. Her future best friend, Jasian Garcia, was born Nov. 12, weighing 6 pounds and 12 ounces. Both babies were born at Community Hospital of the Monterey Peninsula.

While Jung is the only member of her family who works for The Pine Cone, Jasian's relatives practically run the joint. His father, Oscar, owns Central Coast Delivery, which distributes the newspaper every Friday.

Jasian's older sister, Alex Diaz, handles accounts receivable, subscriptions, classifieds and legal advertising, and is helping fill in for Jung while she's on maternity leave.

Jasian's other sister, Vanessa Jimenez, is taking Irma's place during her leave.

PHOTO/PAUL MILLER

Jasian Garcia (left) and Adeline Crabbe, both one month old, have taken their mothers, receptionist Irma Garcia and real estate sales specialist Jung Yi away from The Pine Cone for maternity leave.

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Carmel Valley

Road to C.V.'s incorporation long and winding

By CHRIS COUNTS

TO SUCCEED, proponents of Carmel Valley's incorporation have to jump over quite a few hurdles. Figuring out exactly what those hurdles are is a big part of their challenge. The California Environmental Quality Act is a good example.

At a public hearing Dec. 6, incorporation backer John Dalessio urged members of the Local Agency Formation Commission to decide that creating a Town of Carmel Valley would be exempt from CEQA, enabling proponents to sidestep a costly environmental impact report, which Dalessio said would be unnecessary. Two LAFCO members expressed sympathy for Dalessio's view, observing that drawing a few lines on a map couldn't have significant environmental impacts.

But LAFCO Executive Officer Kate McKenna said a CEQA exemption could backfire.

"It is smarter to do an initial environmental study than take the risk of granting an exemption, which would greatly expose us to legal challenges," said McKenna.

McKenna said exemptions have been successfully used in Southern California, but not in Central or Northern California, where anti-growth sentiment is stronger.

"An exemption is meant to apply in cases where there is no controversy," she said. "There is controversy here."

If the exemption is not an option, proponents may have to spend as much as $25,000 for an initial study. McKenna is seeking a consultant who will work for less but she suggested proponents might be better off simply investing their $25,000 in an EIR.

McKenna is also looking into the possibility that data compiled for the 1985 Carmel Valley Master Plan and the county general plan update could be used in place of an EIR.

Despite the hurdles, proponent Milt Kegley remained upbeat.

"We think that we're making good progress and we're looking forward to revenue neutrality negotiations with the county," which could begin in January, he said. "To incorporate, we have to be financially viable, and I would expect the county to make that possible."

After making an estimated annual $2.5 million mitigation payment to offset losses in county revenue, the new city is projected to experience a deficit of $300,000 by its third year, according to a fiscal study preview. So proponents need to convince county officials to reduce the mitigation payment in negotiations.

But Jim Colangelo, chief assistant county administrative officer, said, "While there is room for negotiation, we have no expectation other than revenue neutrality." Colangelo will be involved in the talks.

If negotiations result in a projected positive cash flow, and if proponents successfully avoid the minefield of the CEQA, they will be facing another major hurdle: There is no guarantee voters will support incorporation.

Opponent Bob Sinotte predicted the proposal for a Town of Carmel Valley would be soundly defeated in an election.

"I went to the Wagon Wheel recently with a friend and we were talking about incorporation," he said. "Not a single person in that room supported it."

Sinotte said he believes a petition drive could stop the incorporation effort in two or three weeks. But he said he would prefer to let the voters decide the issue.

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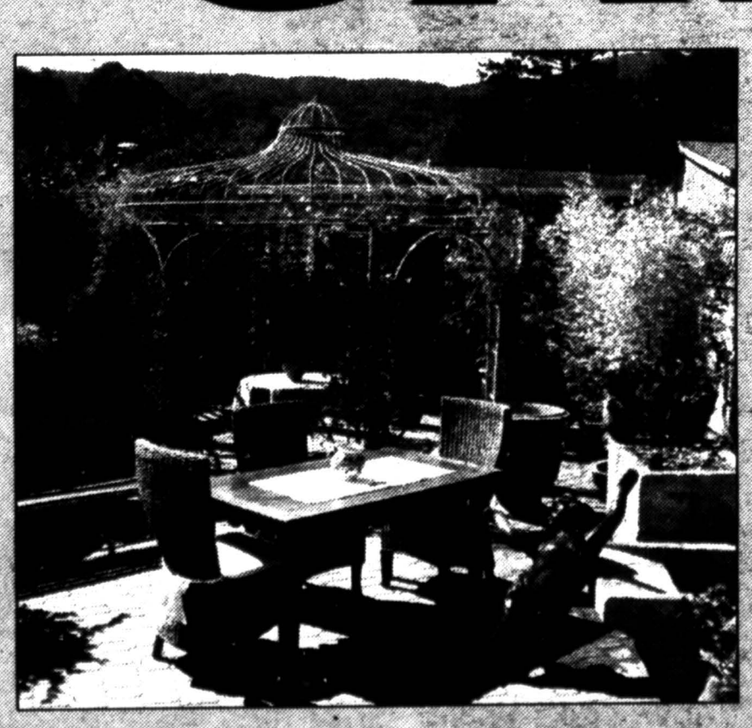

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Burning cigarette leads authorities to illegal downtown residence

By MARY BROWNFIELD

A FIRE burning in a trash can led police and firefighters to a man's makeshift home in the basement of the Court of the Fountains last week.

Someone reported smoke drifting through the courtyard the night of Dec. 7, according to fire shift commander Bruce Meyer's report. By the time the engine arrived at Mission and Seventh, the fire had been doused but the people who had thrown "smoking materials" into the trash can were still there.

"We found in one storage area a person who actually had a bed and a TV set down there," Carmel Police Detective Buck Melton said. "It was pretty obvious he was living in the basement. He stated he was doing some work at that location and had permission to be there, which we later found out to be true."

Two other men were drinking and smoking in an adjacent storage room, according to Melton, but it didn't appear they were living in it. All three knew each other.

Building official Tim Meroney arrived to tell the basement bedroom occupant he had to leave.

"He had his one little room fixed up pretty nice," Meroney said. "But there's no escape window, no fire protection and no bathroom."

The Uniform Housing Code sets minimum standards for habitable areas that include fire escapes, fire alarms, bathrooms, kitchens, proper room size, escape windows, and light and ventilation.

"An 8-by-8 storeroom in the basement of a commercial building with one stairway does not meet any of those requirements," Meroney said.

The men could have burned down the building with their careless disposal of cigarettes, he said. And "if there were a fire, they would die down there, because they don't have two exits out of that basement."

As building official, he encounters illegal occupants in the business district every few years. Melton said property owner Ted Leidig has been warned before for letting someone occupy a non-habitable room on his property.

Because it was 9 p.m. and cold outside, Meroney told the men they could stay the rest of the night, but the makeshift apartment and its resident had to be gone by the next morning. He also contacted Leidig.

Melton did not issue citations to any of the men, since he found no specific violations of the Carmel Municipal Code.

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POLICE LOG

From page 4A

MONDAY, DECEMBER 6

Carmel-by-the-Sea: Hit and run on Fifth Avenue.

Carmel-by-the-Sea: After completing an inventory of the store at San Carlos and Ocean Avenue, the owner noted furs were missing.

Carmel-by-the-Sea: City employee found a loose dog and transported it to CPD. Dog placed in kennel until owner was located. Person caring for the dog retrieved it from the department, and a warning was given.

Carmel-by-the-Sea: Vehicle towed from San Carlos Street for registration expired more than six months.

Carmel-by-the-Sea: Junipero resident reported hearing the neighbor's dog barking. Responding officer heard a few barks and then quiet. Contact made with the owners of the two dogs. One owner stated she had been home for a few hours, and the other had recently returned home, around the time of the neighbor's complaint. Dog owners and house guests stated there was no excessive barking. Possible solutions were discussed. No violation was heard.

Carmel-by-the-Sea: Elderly subject on Carmelo Street expired during a medical emergency.

Carmel-by-the-Sea: Subject locked out of Carmelo Street home. Fire department responded and rendered aid.

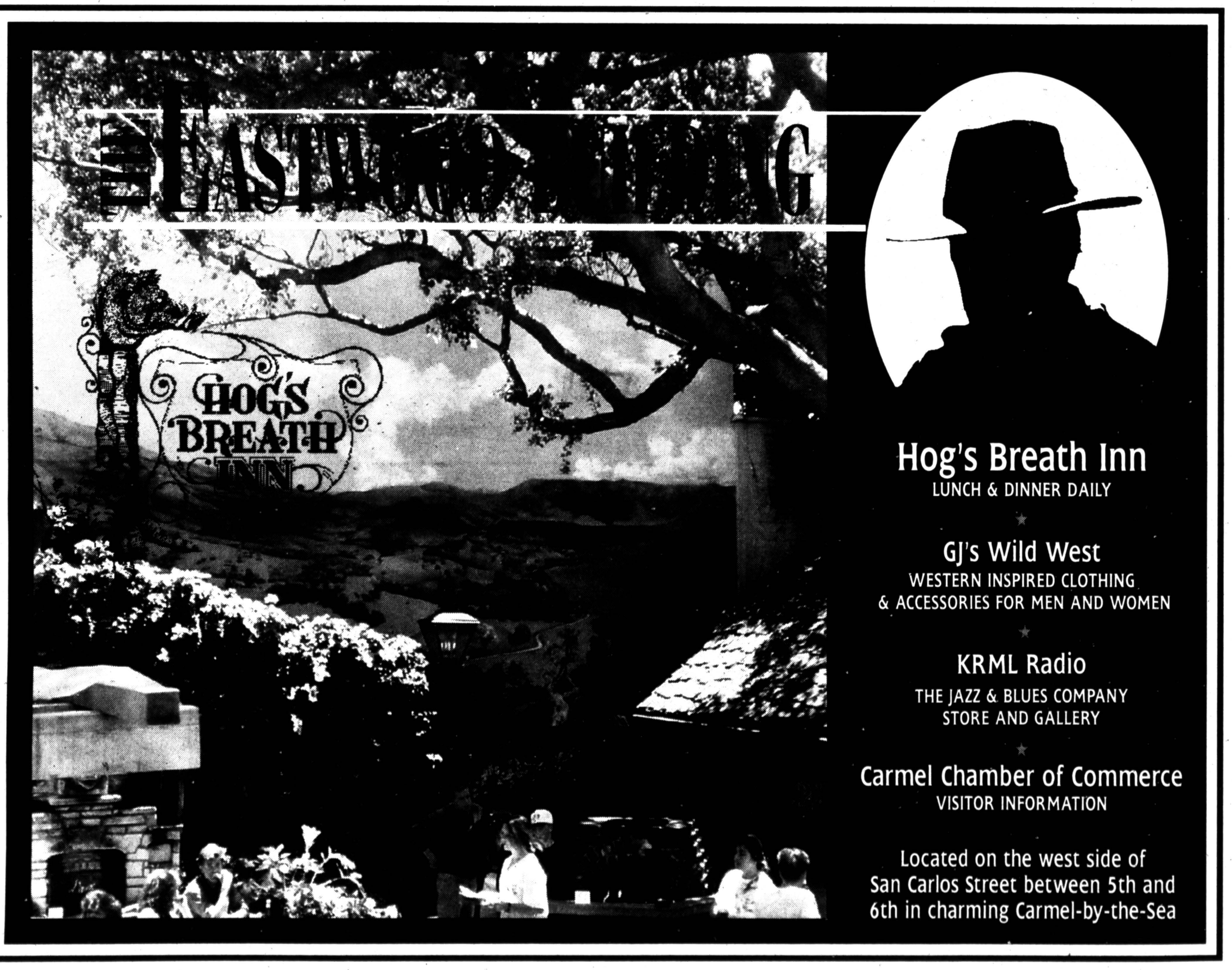
Carmel-by-the-Sea: Female Monte Verde Street resident reported her pet dog was bitten by a raccoon just outside of the front gate of her residence. Animal control was notified.

Carmel-by-the-Sea: Fire and ambulance responded to welfare check on a Junipero Street resident. Units at scene found an elderly female in bed. She stated she had talked to her grandson earlier in the day and she told him she did not feel well. The grandson phoned Carmel P.D. She was fine, no medical emergency existed, and she had a daily schedule that included a cook and friends who check on her.

Carmel-by-the-Sea: Engine 7111 and Ambulance 7166 responded to report of a medical emergency in the street on Fifth between Mission and San Carlos. Units at scene found a 40-year-old male lying in the gutter, unconscious and bleeding from the back of his head. Assisted the ambulance with the assessment and treatment of the patient. He was loaded into the ambulance for transport to CHOMP.

Carmel-by-the-Sea: Engine 7111 and Ambulance 7166 responded to report for assistance, help getting up, at a Torres Street residence. Units at scene found an elderly male lying on the floor, conscious and fully alert, and denying injuries or pain.

*See **POLICE LOG** page 6B*



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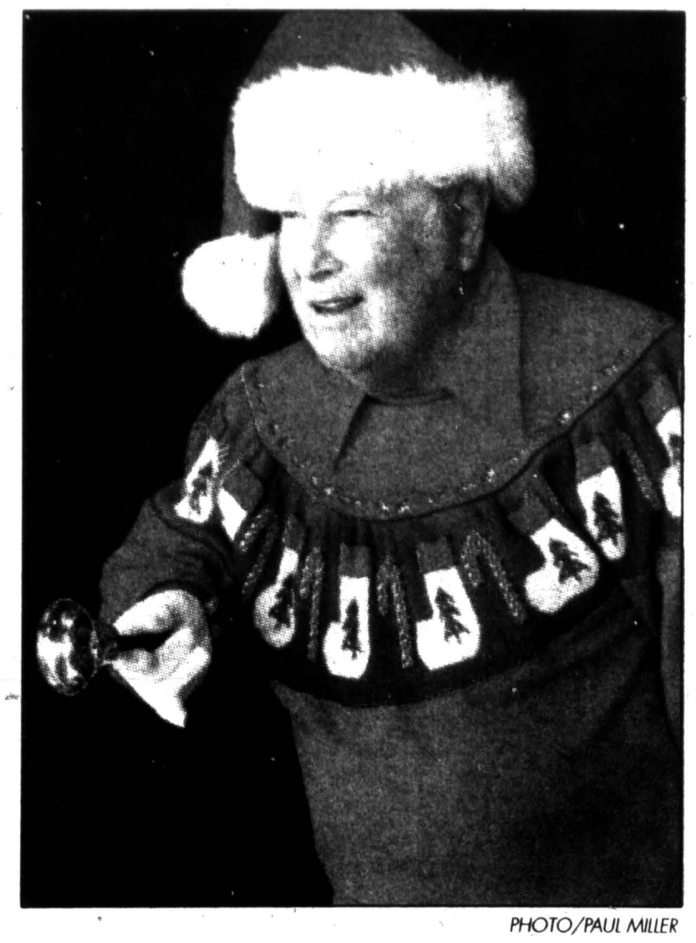
Well-rung bell to fall silent

By MARY BROWNFIELD



PHOTO/PAUL MILLER

Chuck Poland, a Salvation Army red kettle favorite known throughout town for his antics and cheer, will give up his bell come January 2006, calling it quits after two decades so he can begin spending more of December with his wife of 61 years, Stella.

FOR 19 years, he's warmed the walkway in front of Longs Drugs at the Crossroads each December, stalwartly ringing a tiny bell and offering a friendly greeting to all who pass by — regardless of whether they slip cash into his red Salvation Army kettle. He hands out cookies to kids, telling them, in a mock stern tone, that "Santa Claus got all dirty last year, because you forgot to clean your chimney. And this year he wants chocolate milk with his cookies."

Chuck Poland, a bell ringer since the early 1980s, is well-known and admired for his dedication to helping people in need. At 84 years old, he's still delivering to shut-ins served by Meals on Wheels.

"I catch a lot of dickens from my wife, because I'm gone so much of the time, and she thinks I'm out boozing, or something," Poland said.

Stella Poland has missed seeing her husband throughout most of each December for the past two decades. In addition to his food and bread deliveries to those in need, he spends four hours each day from Dec. 1 to 23 fundraising for the Salvation Army at the Crossroads.

So he plans to hang up his bell following next year's Christmas fundraising, ending his longstanding Longs presence after an even 20 years.

*See **POLAND** page 15A*

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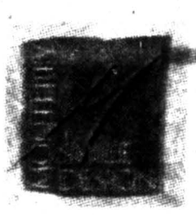

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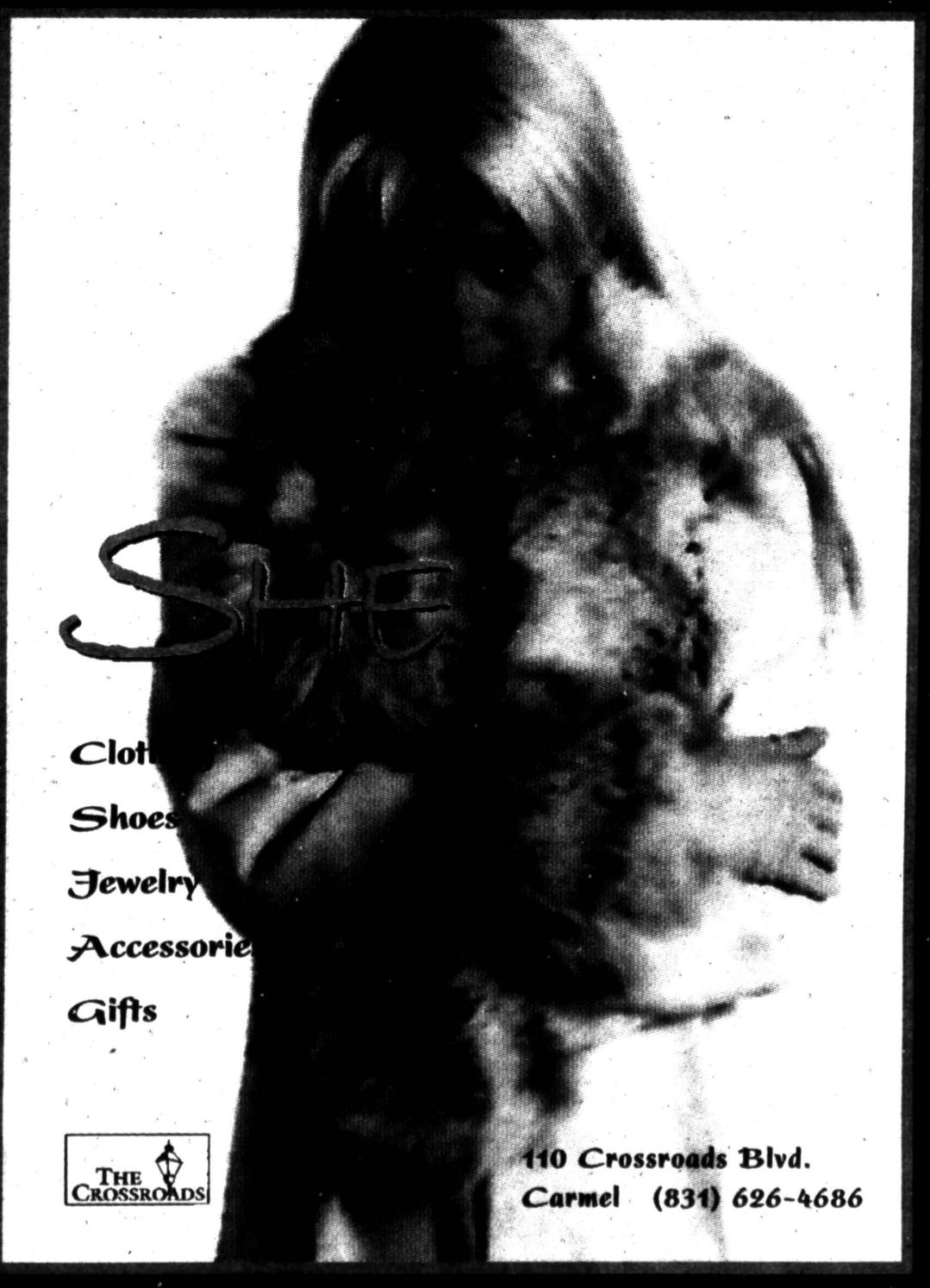

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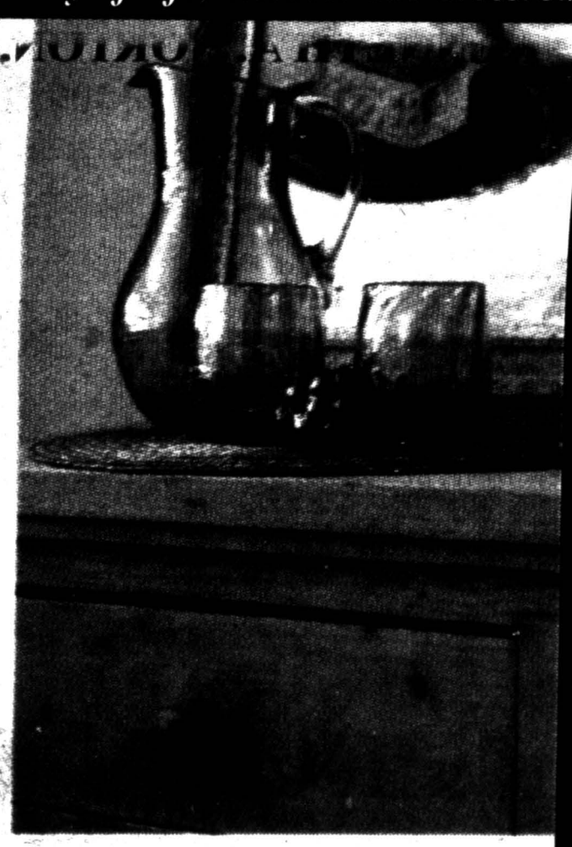

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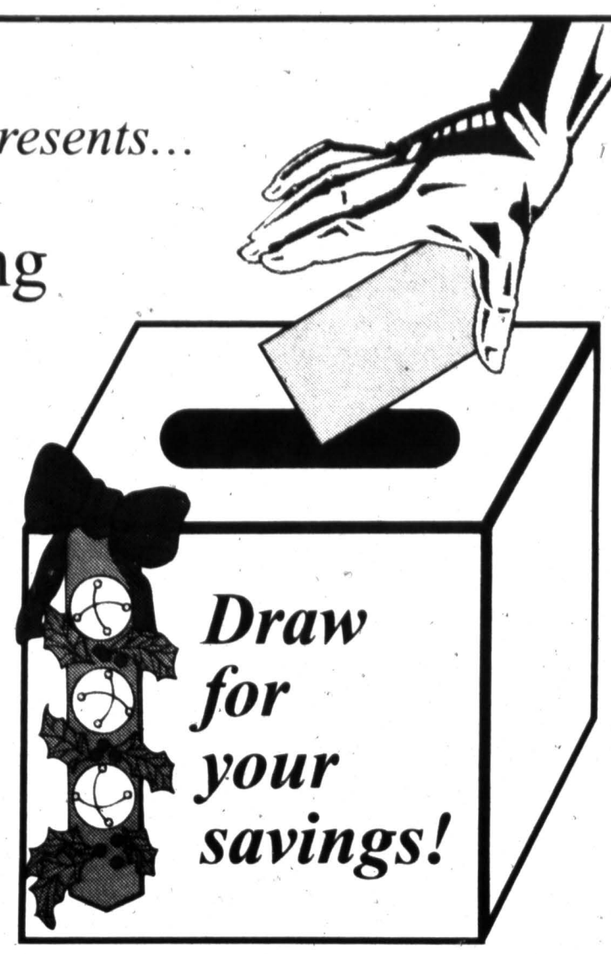

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Paul Behan, director of technology and special projects for Carmel Unified School District, and River School teacher and FOCUS board member Beth Juaregui enjoy drawing another winner of the 10 classroom mini grants handed out at the awards meeting Dec. 8.

CARMEL SCHOOLS GROW $115,080 RICHER WITH FOCUS GRANTS

By MARY BROWNFIELD

THE FRIENDS of Carmel Unified Schools celebrated its 25th anniversary Dec. 8 as it handed out $115,080 in grants to faculty and staff at all seven district campuses.

"It's really fun for us to do, because we get to give out money," said FOCUS board president and retired Carmel River School principal Sharron Douglas.

The nonprofit raised the money during four events — the Phonathon, the Unphonathon (solicitation by mail), The Quail historic automotive event in August and the Golf Fore FOCUS tournament in the

*See **FOCUS** page 20A*

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Earthbound Farm entices ladybugs by offering choice housing

By CHRIS COUNTS

MOST GROWERS will do just about anything to keep bugs away from their crops. But Earthbound Farm — which started two decades ago with a 2.5-acre garden in Carmel Valley and has grown into a 24,000-acre commercial farming operation based in San Juan Bautista — takes a different approach. By creating a safe haven for ladybugs and other beneficial insects, the organic grower makes life difficult for pests.

The Monterey County Board of Supervisors adopted a resolution Dec. 14 recognizing Earthbound Farm for its cutting-edge pest management practices. The grower was also named one of five recipients of the 2004 Innovator Award by the California Department of Pesticide Regulation.

Earthbound Farm plants beneficial habitat strips of specific flowers between rows of organic crops. The flowers are selected for their ability to support insects and mites that feed on common garden pests.

"Its like a demilitarized zone for good bugs," said Mark Marino, a grower at the farm. "We plant flowers that are nectar-producing, lacy-leafed and have lots of surface area for the beneficial insects to hang out in. The bugs they attract are an excellent biological control for the all the pests that would like to eat our produce."

Marino calls the habitat strips "insectary hedgerows." They've been a big hit with lady bugs, lacewings, parasitic wasps, pirate bugs, damsel bugs and other beneficial insects.

The beneficial insects dine on a variety of pests including the pesky and prolific aphid,

See ***LADYBUGS*** *page 15A*

State bond pays for Sunset Center landscaping

By MARY BROWNFIELD

MORE MONEY from the state Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000 was received by the city council last week. The $25,207 — the final payment of the $42,000 in tax dollars provided to the city through the program since 2002 — is paying for the first phase of landscaping at the renovated Sunset Center.

Administered by the California Department of Parks and Recreation, the grant helped pay for the larger trees and some other plants in the area closest to the theater, city forester Mike Branson told The Pine Cone.

"There are different projects at Sunset," he said. "The theater project was the main one — the renovation of the theater and the grounds immediately adjacent — and that's been completed."

But five more phases of landscaping remain, and Branson expects grants will cover all of them, including planting around the upper patio, near the offices on San Carlos Street, along the Mission Street side and around Carpenter Hall and by the cottages.

"Fortunately, we were able to get enough grant funding to do all of them," Branson said.

Among those are $13,481 from the Roberti-Z'Berg-Harris Block Grants in the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000; $220,000 from a similar park bond act approved by voters in 2002, and $11,048 from the RZH Block Grants in that same 2002 bond act.

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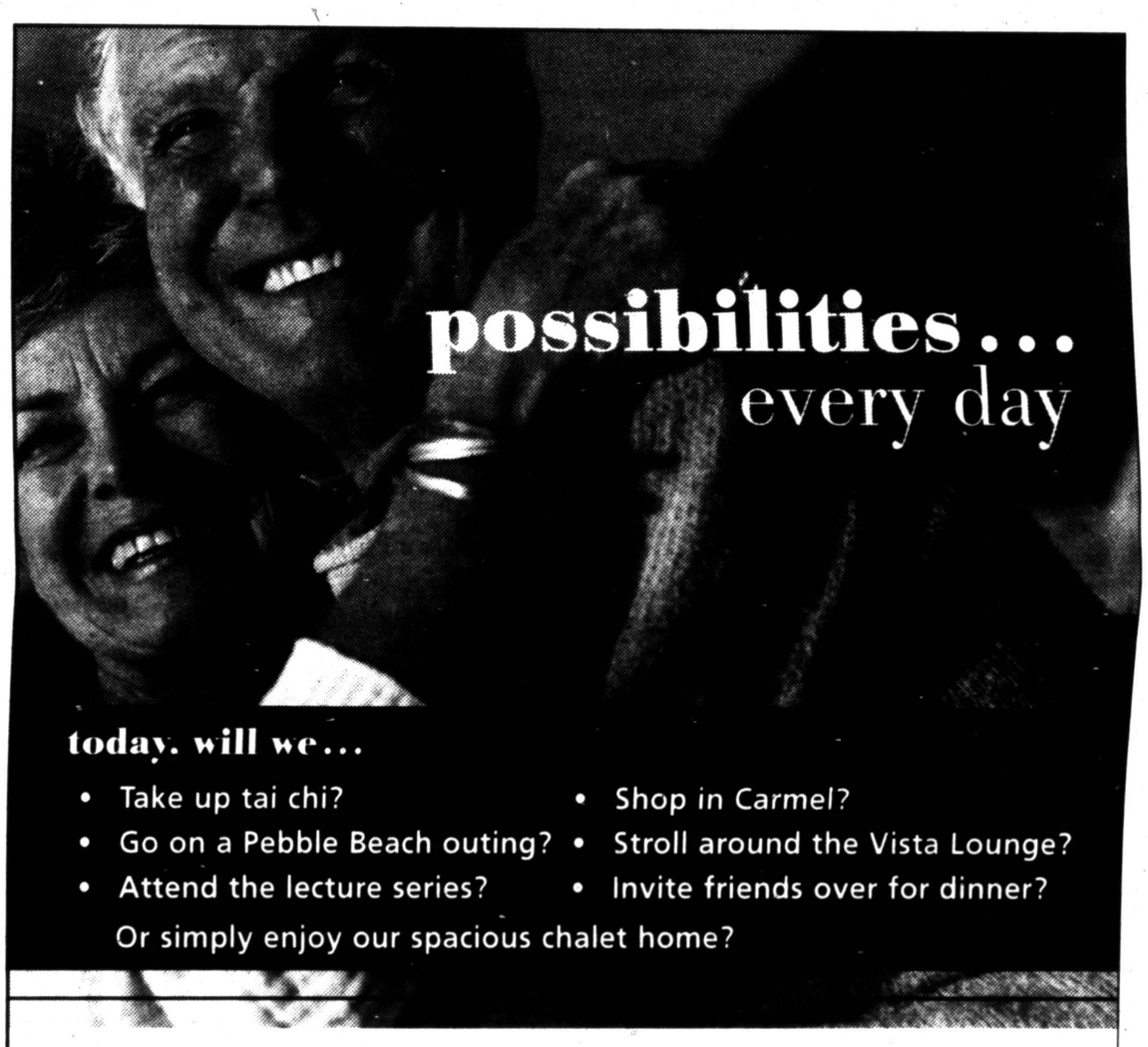
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ELEPHANT

From page 1A

educational opportunity for the kids while rewarding their hard work with a break from the classroom.

"School nowadays is very rigorous, so this gives kids a great outlet and something to be really excited about," he said. Standardized tests show River School is the highest-ranked school in Monterey and Santa Cruz counties, according to Marden.

"These kids have earned it," he said. "And we also need to recognize that their educational experience shouldn't be defined just by pencil-and-paper types of experiences."

When he arranged Lisa's visit from the Salinas ranch, where Sammut and his staff train exotic animals to appear in film, TV and print, Marden didn't realize he would be part of the act.

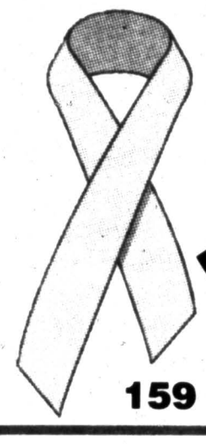
"I rode her in," said the principal, who thought sitting on an elephant wouldn't be that big a deal until he found himself up on her back. "It was a lot of fun, although I would be lying if I didn't say I was a little bit nervous.

"Standing on the ground, it doesn't look very high, but then you get on this animal eight feet up, and you hope it doesn't buck or rear or something."

But he learned valuable information during Lisa's visit: An elephant is not anatomically able to buck.

The kids paid rapt attention as Sammut showed how Lisa's feet and toenails are

*See **LISA** page 17A*



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FALLING CYPRESS ALMOST FLATTENS PARKED CAR

By MARY BROWNFIELD

"IF YOU don't get here soon, this car's going to be about 6 inches tall," building official Tim Meroney said over his radio Tuesday after he was alerted to a Monterey cypress on Scenic Road about to lose one of its massive limbs.

Moments later, the weighty spar crashed onto the beach pathway, narrowly missing a station wagon parked underneath it. The road and path were closed into the late afternoon as a crew worked to remove the fallen limb and ensure no more would land on hapless passersby.

Meroney, city forester Mike Branson and streets supervisor Stu Ross were called to the scene by city gardener Diane Martinez, who had been approached by a pedestrian and told the tree was making popping noises.

They blocked off the area, called the city's tree crew and their cherry-picker to tie up the sagging limb, and ordered a tow truck to move the station wagon after its owner couldn't be found.

But they weren't fast enough.

"It snapped and crackled like popcorn, except it was very loud, as if you had your ear to the side of the popper, only you're standing 50 feet away," Meroney recalled. "And as it increased in intensity, it popped a lot more, and then there was kind of a loud crack and pop as the trunk broke. Then it hit the ground with a thud."

The cypress fell just eight minutes after Martinez' call, according to Meroney.

"It missed the vehicle by about a foot," he said. "The way the tree was shaped, it just kind of nestled around the car. The owner showed up about 20 minutes later."

Relieved, she took her car and left.

"Unfortunately, we didn't get there in time to do it like we like to do it," said Branson, who estimated the tree is about 80 years old and the limb that fell weighed a couple of tons.

It is healthy and green, but foliage and some decay toward the top of that spar made it heavy and vulnerable to wind, according to Branson. An offshore breeze might have pushed the limb in a direction it was unaccustomed to, stressing a weak point.

"A lot of the cypress over the years experience breakage," said Branson, who referred to it as "wind sculpting," when weak areas in a tree's structure succumb to gales.

"It's ironic that Mike was just this morning meeting with a contracting outfit that's going to go down Scenic removing dead cypress trees and thinning out the top-heavy trees to help avoid incidents like this," Meroney said.

Branson said he plans to use the $32,000 allocated to pruning in this year's budget for Scenic and San Antonio Avenue, depending on how far those dollars will stretch.

"Those are areas where historically we have a lot of breakage and expend a lot of time," he said. "If we can get in there with preventative pruning, maybe we'll have fewer problems in the the next storm."

Branson expects the work to get under way in midwinter or early spring.

The Dec. 14 incident highlighted the importance of not just looking for tree damage, but listening for it.

"Changes are not always visible and are sometimes audible," Branson said. "That really keyed us in to where it was happening. The passerby realized something unusual was going on."

POLAND

From page 10A

"We've been married 61 years, so we don't have lots of time left in our lifetime," said Poland, who often bests his fellow bell ringers in the dollars he rakes in for the charity.

Considering many of those he serves are younger than he, Poland's vivacity could be traced to his daily goal: to be fun from the moment he awakens each morning to the time he goes to bed at night.

"I generally have more fun than most people," he said as he prepared to don his "funny clothes" — all colorful and Christmas-themed — in advance of an afternoon at the bell, which he said strengthens his forearm as well as givers' generosity.

"I love to be around people, and I love to cut up with people," he said. "I'm never too serious. Never."

LADYBUGS

From page 13A

which is perhaps the greatest nemesis of organic growers. Marino said a ladybug larva can eat up to 10 times its body weight a day in aphids.

Marino said habitat strips were developed about 25 years ago and Earthbound Farm has employed the technique for 10 years. "We're doing it on a larger scale than any other grower," he said.

The project has been a great success, said Samantha Cabaluna, senior manager of communications at Earthbound Farm, which achieved widespread recognition and commercial success as the first grower to successfully market prewashed packaged salads.

"In organic farming, the idea is to work with nature and the existing biodiversity to create a nice home for beneficial insects," Cabaluna said.

Another pest management innovation that Earthbound Farm uses is called "solarization." In the warmer parts of the state, large plastic sheets are placed over the soil, creating enough heat to eliminate insects and eggs in the soil.

The techniques have proved so successful, Earthbound Farm now has more than 1,200 employees.

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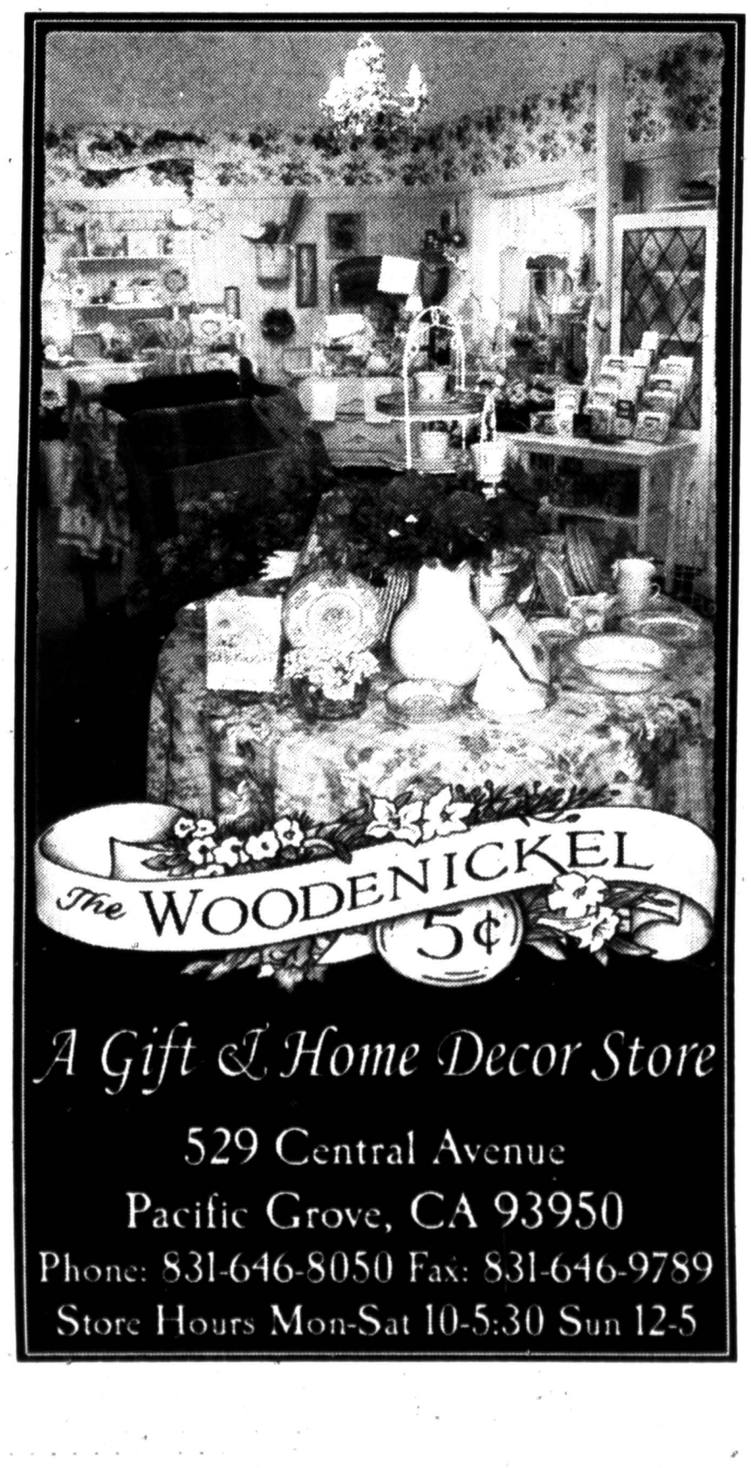

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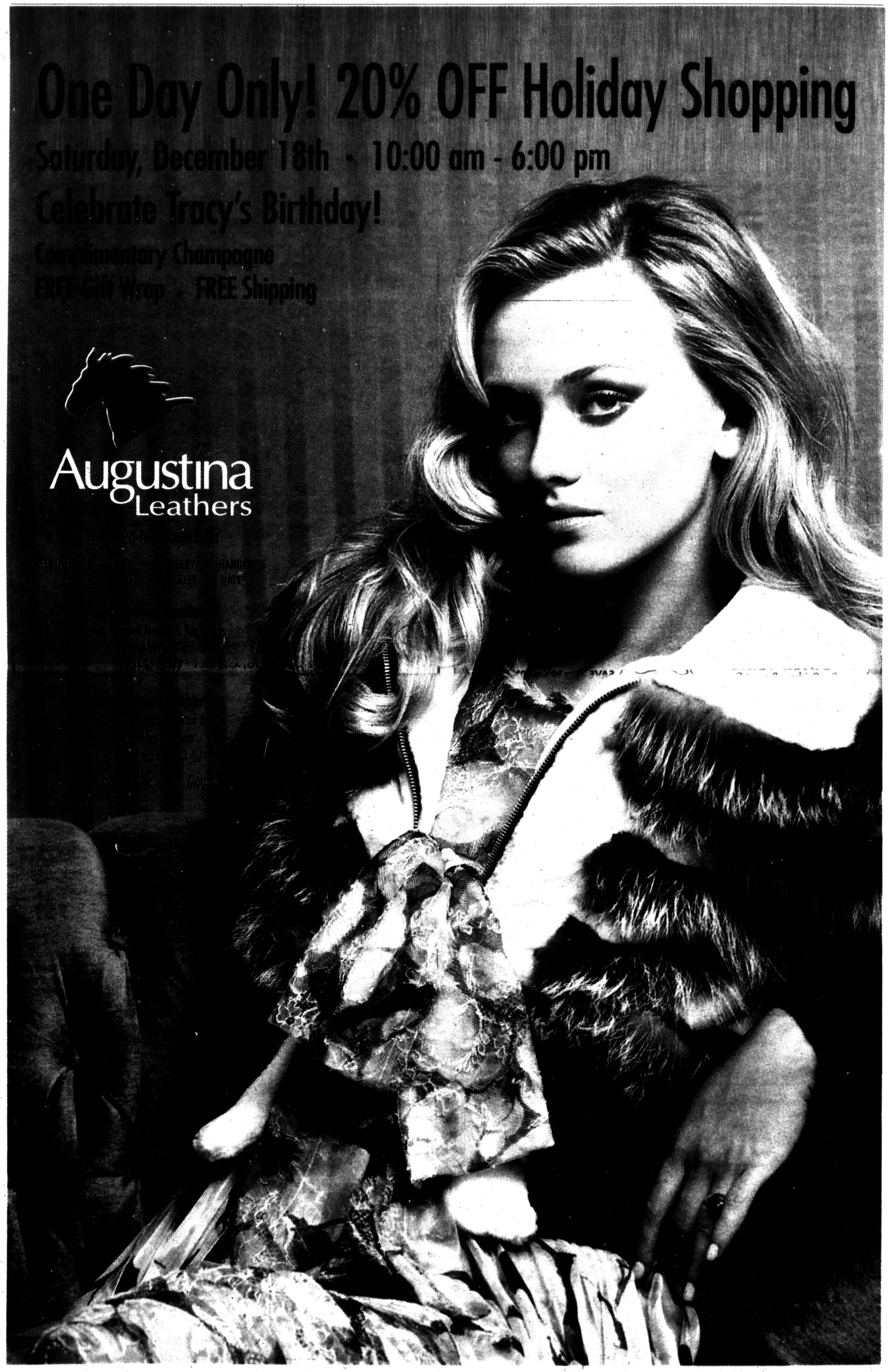

FUNT

From page 1A

Los Padres National Forest.

"We took the suggestion of a name change very seriously," Tobin said. "But we decided to stay with the name suggested by the Big Sur Historical Society. The Brazils were Big Sur pioneers like the Pfeiffers and the Danis." The Pfeiffers and the Danis inspired Big Sur place names like Pfeiffer Beach, Pfeiffer Big Sur State Park, Dani Ridge and Dani Creek.

Tobin said his agency is also looking into ways to honor Funt "for his many contributions to the property."

In a letter to the editor published in The Carmel Pine Cone in October, Peter Funt asked the forest service to give the 1,200-acre property the name "Allen Funt Ranch," to honor his father's career and his devotion to the land. Also, a barn and several other buildings his father built are "true works of art in remarkable harmony with the natural surroundings," Peter Funt wrote.

A commentary published in The Pine Cone on Nov. 12, by Big Sur writer Anita Alan, called Allen Funt "a caretaker and an exemplary steward of the land . . . the Funt Ranch never looked better tended than when he owned it, when his cattle and horses grazed there and kept the fire danger down. The forest service has a tough act to follow."

Alan, a former longtime resident of Big Sur, suggested "the land should carry Allen Funt's name." At the very least, she said, the property should be called the "Funt-Brazil Ranch."

"Funt earned his place in our hearts and history, locally as well as internationally," she said.

But Jeff Norman, another longtime Big Sur resident, said the Big Sur Historical Society supported the name, Brazil Ranch.

"The Brazils had the longest tenure on the property," said Norman, who assisted the late Donald Clark in compiling the book, "Monterey County Place Names."

He said Antonio and Maria Brazil were living on the ranch as early as 1900. In 1977 their heirs sold the ranch, located just south of the famed Bixby Creek Bridge, to Funt, who named it the Allen Funt Ranch. After he died in 1999, it was sold to Las Vegas real estate speculator Brian Sweeney, who called the property Bixby Ocean Ranch as part of a marketing scheme that included dividing the ranch into eight pieces based on old property boundaries. Sweeney's maneuver netted him a $20 million profit when the government decided to use taxpayer dollars to stop him.

In part to eliminate the bad taste that whole episode left in everybody's mouth, and because another nearby property was already known as Bixby Ranch, the forest service decided the ranch's name should evoke its distant past.

"The Brazils lived on the property longer than anyone except the Native Americans," said Norman. "The historical society feels it is important to retain that heritage."

The property is now managed by the Brazil Ranch Institute, a nonprofit organization that hopes to create an environmental center.

LISA

From page 14A

trimmed, how her outer layer of her skin is removed with a tool resembling a large cheese grater, and how a garden sprayer filled with vegetable oil keeps her soft and supple.

Lisa is trained to respond to voice cues, and onlookers marveled at her tricks, including her limp — "What she does when she doesn't want to go to work," Sammut explained, as Lisa wrapped her trunk around a front leg and hobbled about, faking an injury.

("How many of you do the same thing to stay home from school sometimes?" Sammut asked. At least 20 kids raised their hands.)

They might have been surprised to see Lisa eat a dozen apples, which tie with bananas when it comes to her favorite snack, only to learn she also eats 40 pounds of hay a day.

And of course, they loved her efforts at abstract art.

"She did it with her trunk. He handed her the brush, and she started slopping paint on," Marden said. "I'm not the most astute art observer, but I think it would fetch a quite a few dollars at a downtown gallery."

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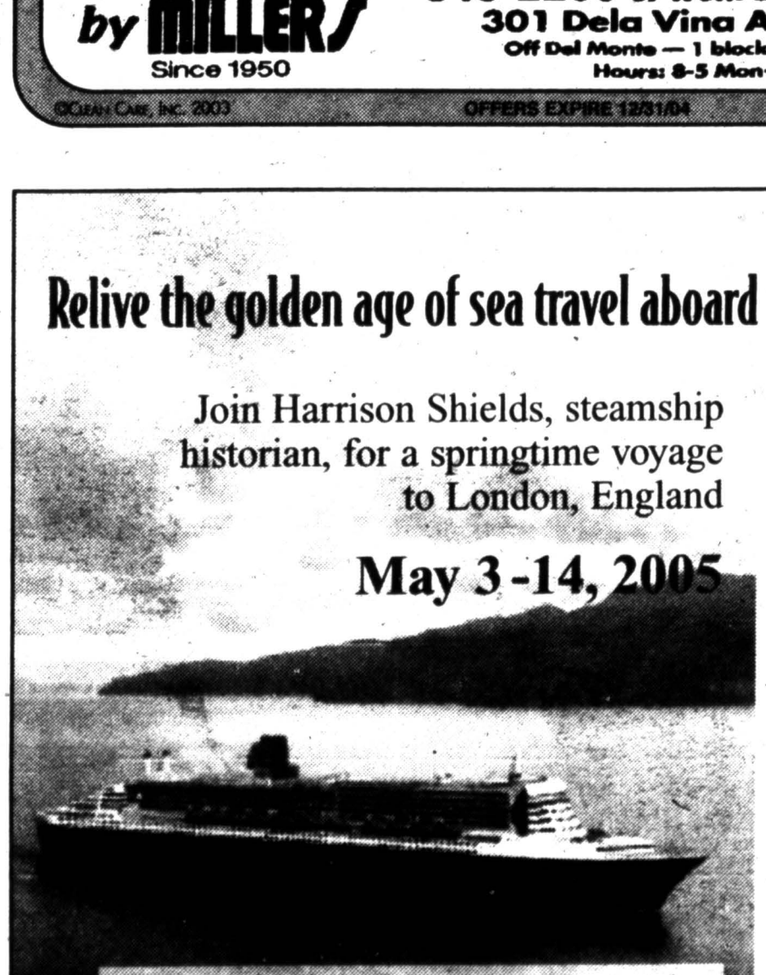

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POISON

From page 1A

that would put anything in its mouth."

Ryan said some varieties of rat poison can take a few days to kill an animal as large as a dog, so he's not certain when or where she ate it.

"She was healthy when we left in the morning and was dead when we came home," he said.

Carmel Valley Village resident Lyn Taylor's 15-year-old hound dog, Ace, is of similar temperament — she called him a "garbage dog" — and during a walk in the same meadow Friday afternoon, she saw him chewing something she discovered to be an aquamarine granular substance.

Less than three hours later, "he started shaking and trembling, like he was having a seizure. His eyes started to glaze, and he couldn't stand."

She called Dr. Raymond Foster and brought Ace in.

"That same night, he called me and asked me if Ace ate something weird," Taylor said. The dog had begun convulsing and throwing up a blue-green substance.

She picked him up from the vet Monday. "It's a miracle he survived. The vet said, 'Boy, this dog wants to live.'"

Foster does not know what specific poison Ace ate, and Taylor did not want to pay to have it analyzed.

"It was a nerve stimulant," Foster said.

He pumped Ace's stomach, sedated him to control the convulsions, hooked up an I.V., monitored his heart rate and gave Ace an absorbent material to soak up the remaining toxin in his stomach. "But whatever they have absorbed, you can't do much to control that, so they have to have good livers and kidneys," he said.

Numerous substances attract but are toxic to dogs, Foster warned, including rat poison, snail bate, algae that bloom in stagnant water in the summer, and even dark chocolate.

After Taylor called Foster, she telephoned the sheriff's office, which referred her to Monterey County Animal Services, which told her to contact SPCA Humane Investigator Shawn Wilson.

He said he did not believe the poisonings were intentional and encouraged Taylor to find out who maintains the meadow and might be using toxic materials there.

"It doesn't sound as if it's something targeting dogs," he said. "If it was, it would probably be in meat or dog food."

If a dog begins acting strangely after eating something suspicious, its owner should contact a vet immediately, Foster said.

Someone without access to a vet can feed a sick dog half a cup of hydrogen peroxide, which will fizz in the stomach and induce vomiting. He suggested flavoring it with beef bouillon to make it palatable or using a turkey baster to pour it down the dog's throat.

"But if you have any doubts, get your dog to treatment as soon as possible," he said.

Wilson recommended owners keep an eye on their pets.

"You're putting your dog's health at risk if you're letting him exercise and run free without you," he said.

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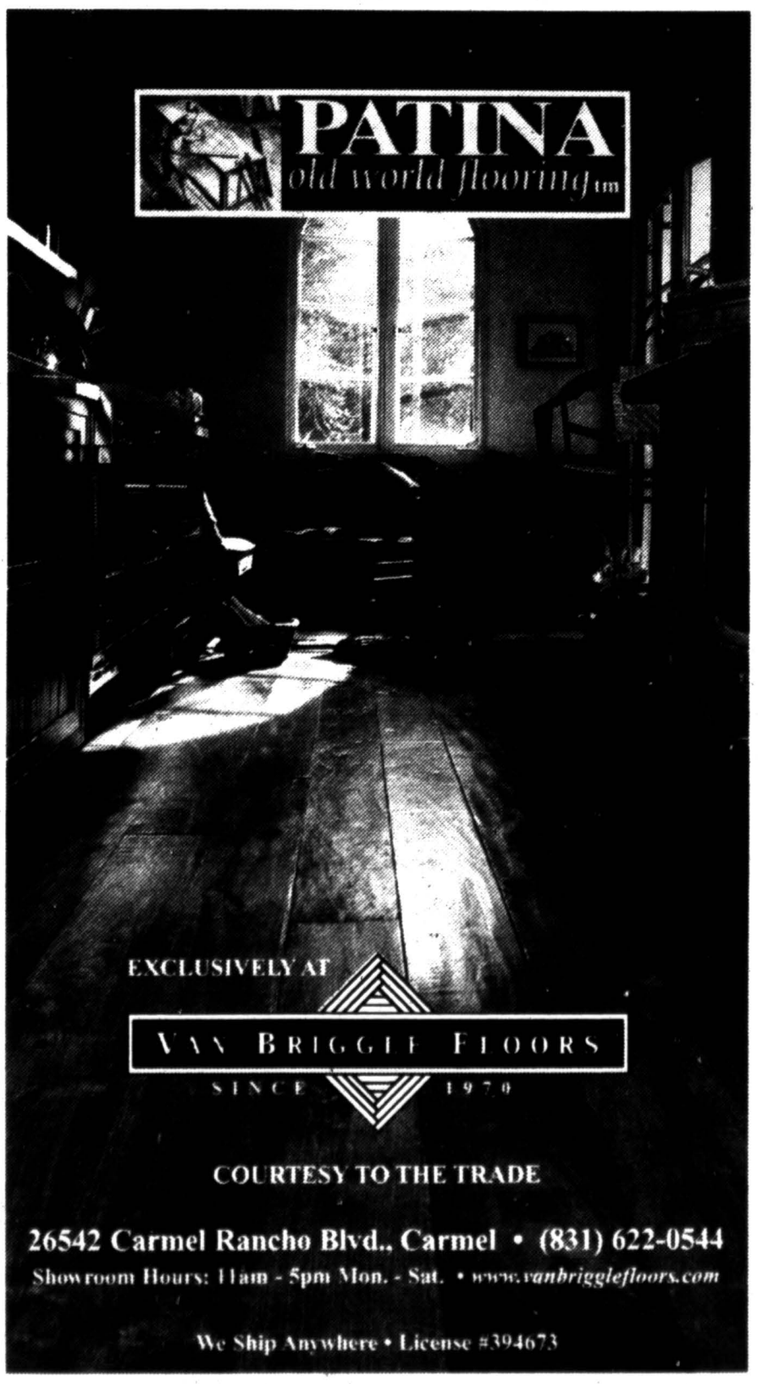
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SENIOR LIVING

MATTHEW

From page 1A

Seaside, and Notre Dame high schools, co-workers from his part-time jobs at Abalonetti's and El Estero boat house, friends from Shoreline church and strangers who saw all the praying going on and decided to join in.

"One night there were 40 people holding hands in a big circle in the parking lot, praying for Matt," said his mother. The hospital was understanding. They made room for the supplicants; they picked up the candy wrappers left behind by the youngsters when their prayers were done.

"One night we were in the waiting room at 2 a.m. with 20 people. The hospital staff said it was absolutely fine. And some of them prayed with us, too," she said.

As the people asked God for a miracle, Matthew silently battled pneumonia, infection, blood clots and a fever of 103. After surgery on his skull to relieve the pressure, a ventilator breathed for him and tubes nourished him. His family searched his face in vain for any sign that Matt was still there.

An Internet prayer chain stretched from Monterey to Texas to New York, Europe, Africa and back again. Calls from friends around California and beyond said, "We're coming down to be with you." And Linda would say, "We don't need you here, but we need you to pray." One local teen quit his job at a restaurant on the wharf because his boss wouldn't give him time off to visit the hospital. He showed up to pray in his cook's apron.

A website was set up, www.mattgetwellsoon.com, and the entreaty stretched farther: Please pray for a miracle for Matt.

As the days wore on, his mother started noticing a change in the doctors and nurses. Their positive attitude was drifting away. They weren't smiling; they just looked sad.

"It was evident they were giving up hope," she said. Matt is her only child.

On the 14th day, a doctor asked Linda if her son had any last wishes she knew of. A nurse asked if they had thought about life support. They learned 90 percent of patients with similar injuries either die or exist in a vegetative state.

Linda's brother, Larry Scholink, a real estate broker with The Mitchell Group, led a group to his nightly vigil in the meditation room. He asked Chris Lincoln, a friend of Matt's, if he'd like to lead the first prayer.

"I've never done that before, but if it will help Matt, I'll give it a try," the young man said.

"Please, God, please let Matt wake up tomorrow," he asked. As had happened so many times during the prayers, tears flowed.

The next morning, Dec. 3, the neurosurgeon made his rounds and asked — a bit halfheartedly, it seemed — "Matt, if you can hear me, squeeze my hand."

And Matt squeezed.

The doctor's jaw dropped. "Matt, can you wiggle your toes?

And they wiggled.

By now there was something akin to pandemonium breaking out in the room.

"Grammie's here [grandmother Catherine Scholink] and she wants to know how you are!" someone said.

And Matt's hand slowly made a fist, and the thumbs-up sign.

This time the tears were of pure, ecstatic, joy.

The faithful who prayed so earnestly believe they were witnessing a modern-day miracle.

"This was no accident," said Linda, who grew up in Carmel Valley and now works as assistant city administrator for Sand City. "I believe God had a purpose — to challenge us and let us know the power of prayer."

Matt's response gave doctors great hope, that the front of his brain was able to communicate with the back of his brain, and send out commands through the entire spinal column. This could mean an eventual full recovery, especially in a strong young man with a will to live.

Larry Scholink described the next several days as "the most incredible thing I've ever seen.

"It's like Matt is in a cocoon. He is fighting, fighting with everything he's got to come back. He is twisting, and contorting and just sweating and working to come back to us.

"And I'm so overjoyed with what is transpiring right before our eyes. It is a miracle that defies medicine, defies logic, but doesn't defy God.

Two steps forward, half a step back

It has been nearly a month since the accident, and Matt has improved a bit every day. When one of his friends was joking around in the hospital room, he looked at Matt and saw he hadn't forgotten how to flip the bird. He has held the hand of his girlfriend, Brianna, close to his lips as if to kiss it. He has not spoken and it's not clear if he can see. But the spark that was Matthew Scholink is certainly still alive.

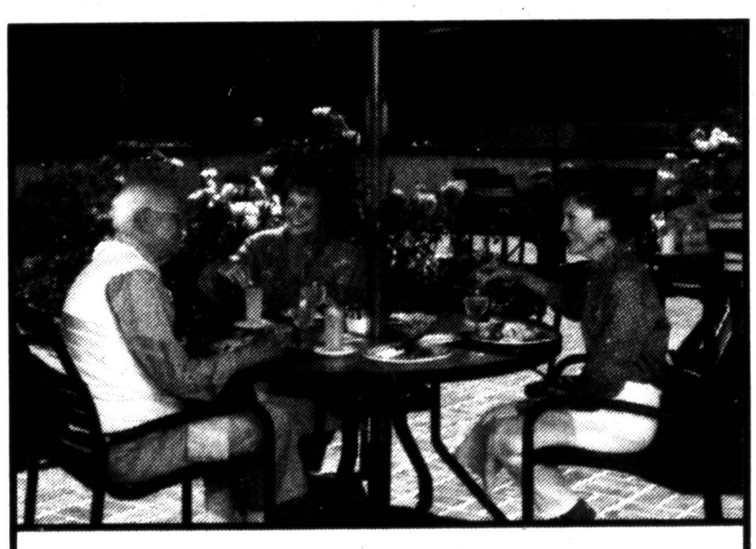
On Dec. 13 he was transferred to the Santa Clara Valley Hospital's traumatic brain injury unit for eight weeks of therapy to regain speech, movement and comprehension. His family had hoped that the move meant Matt's life-and-death struggle was over, but they were disappointed Dec. 14 when SCVH doctors discovered blood clots in both arms which pose a grave danger of stroke, heart attack or fatal lung damage. But the preferred treatment for clots — blood thinners — could also prove fatal by causing Matt's healing brain to bleed again.

The Scholink family must make the fateful decision whether to authorize blood thinners by the Monday before Christmas. The family will pray to God to give them the wisdom to make the right choice.

And they have a humble request of everyone reading this story: Please say another prayer for Matthew.

Editor's note: *Matthew Scholink's medical expenses have surpassed $500,000, according to the family. A fund at Washington Mutual Bank has been set up for donations. The account, Matt's Fund, is #100 459 1326.*

Information about Matt's progress can be found at www.mattgetwellsoon.com.



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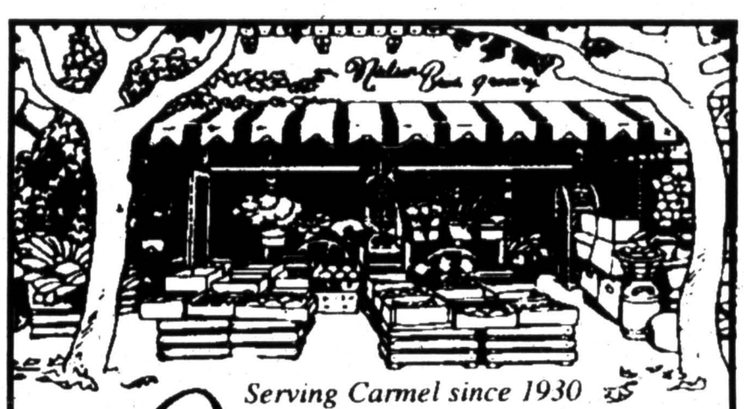

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FOCUS

From page 12A

fall — but it still wasn't enough to meet the $170,000 in requests.

"So we talked to applicants and found ways to grant at least part of their requests, and in some cases the associations and parents' groups chipped in," she said.

Asking those groups to help was a new method for FOCUS, which in past years had been able to provide as many grants as were needed.

"In years past, there haven't been that many requests," Douglas said. "They are becoming more aware of what FOCUS has to offer. We really like to support innovative programs."

Everyone benefits

Among the largest gifts were $10,000 for Carmel High School's drama room, $10,000 for after-school programs district wide, and $12,000 and $9,500 for scholarships for graduates to help pay for college tuition and books.

Carmel River School and Tularcitos received $7,200 grants for eight computers at each campus.

Technology figured prominently in the requests from the high school, including $2,950 for graphing calculators; $5,800 for digital cameras, DVD players and video cameras; $2,935 for a laptop computer and projectors, and $3,000 for video production equipment. $1,580 is purchasing ballet barres, and the new Industrial Arts Program received $3,500.

FOCUS gave Carmel Valley High School teachers $4,735 for microscopes and lab kits, as well as for equipment and materials for drawing, painting and printmaking.

Carmel Middle School's music department and habitat project were awarded $3,000 and $2,000, while $2,600 is paying for a volleyball system, and a science teacher received $3,410 for a set of stereo microscopes.

New tricycles, carpet, musical instruments and keys for each classroom will be bought with River School's $7,665 in gifts from FOCUS, in addition to the new computers.

The students at Captain Cooper School in Big Sur will have new musical instruments, English/Spanish books and binoculars purchased with $6,650 in grants.

Beyond its computer money, Tularcitos received $4,800 for a projector, a digital camera, and VHS/DVD players for each classroom.

The children at the Bay School are getting $1,500 worth of new music and science materials.

Meanwhile, FOCUS continues distributing grants of less than $1,000 to teachers and staff, but it will award more large grants less than six months from now rather than wait another year.

"After meeting with the superintendent and other members of the Carmel Unified School District cabinet, we decided we're going to do our large grants in the spring so we can coordinate our planning with the school district's budget planning," Douglas said. "Teachers will start with what they need at the beginning of the year."

By then, the Phonathon and Unphonathon should have raised $50,000 to $70,000 for FOCUS to distribute.

"But in subsequent years, we hope to give a lot more," she said. "It isn't just parental support — we would like to thank the entire community for supporting our fundraising efforts and our schools."

Dog vs. raccoon altercations continue in town

By MARY BROWNFIELD

RACCOONS TANGLED with dogs in two more cases early this month, lengthening the list of Carmel canines quarantined at their homes.

"They had been vaccinated, so the quarantine is for 30 days," said Carmel P.D.'s animal control officer, Cindi Mitchell. Unvaccinated dogs should be kept out of contact with other animals for six months.

Since September, the police department has received numerous reports of dogs having run-ins with raccoons while out on walks or in yards, with pets and owners being bitten and clawed.

A recent misfortunate dog is Cosmo, Nancy Dodds' 2-year-old cocker spaniel, who was bitten early Dec. 3 after she let him out in the yard.

"He found a little hole in the fence and ended up in my neighbor's yard, which is open to the canyon," said Dodds, who lives near Mission Trail park.

Her neighbor, Dee Borsella, heard the fight.

"She ran out of the house in her bare feet, grabbed a broom, beat that raccoon off Cosmo, grabbed him and put him under her arm, and ran to my house," Dodds said. "She saved him."

The raccoon bit one of Cosmo's hind legs. Dodds took him to the vet and the groomer, both of whom told her about other clients whose dogs had been mauled by raccoons.

Cosmo's taking antibiotics and is otherwise healthy, but still skittish.

"I go out and make sure there are no monsters, and he's fine," Dodds said. "Sort of."

Several days later, when she reported the bite to officer Mitchell, she learned Cosmo would have to be quarantined at her home for a month.

The same is true for the Jack Russell terrier that was bitten near owner Holly Thomas' front yard gate at Monte Verde and Third around 7:45 p.m. Dec. 6.

"The dog was off leash," Mitchell said, "And right outside the gate was a raccoon she didn't see." The dog was treated for puncture wounds.

When walking their dogs in the dark, people should turn on lights before they go outside, carry a flashlight and make a lot of noise to scare away any raccoons in the area.

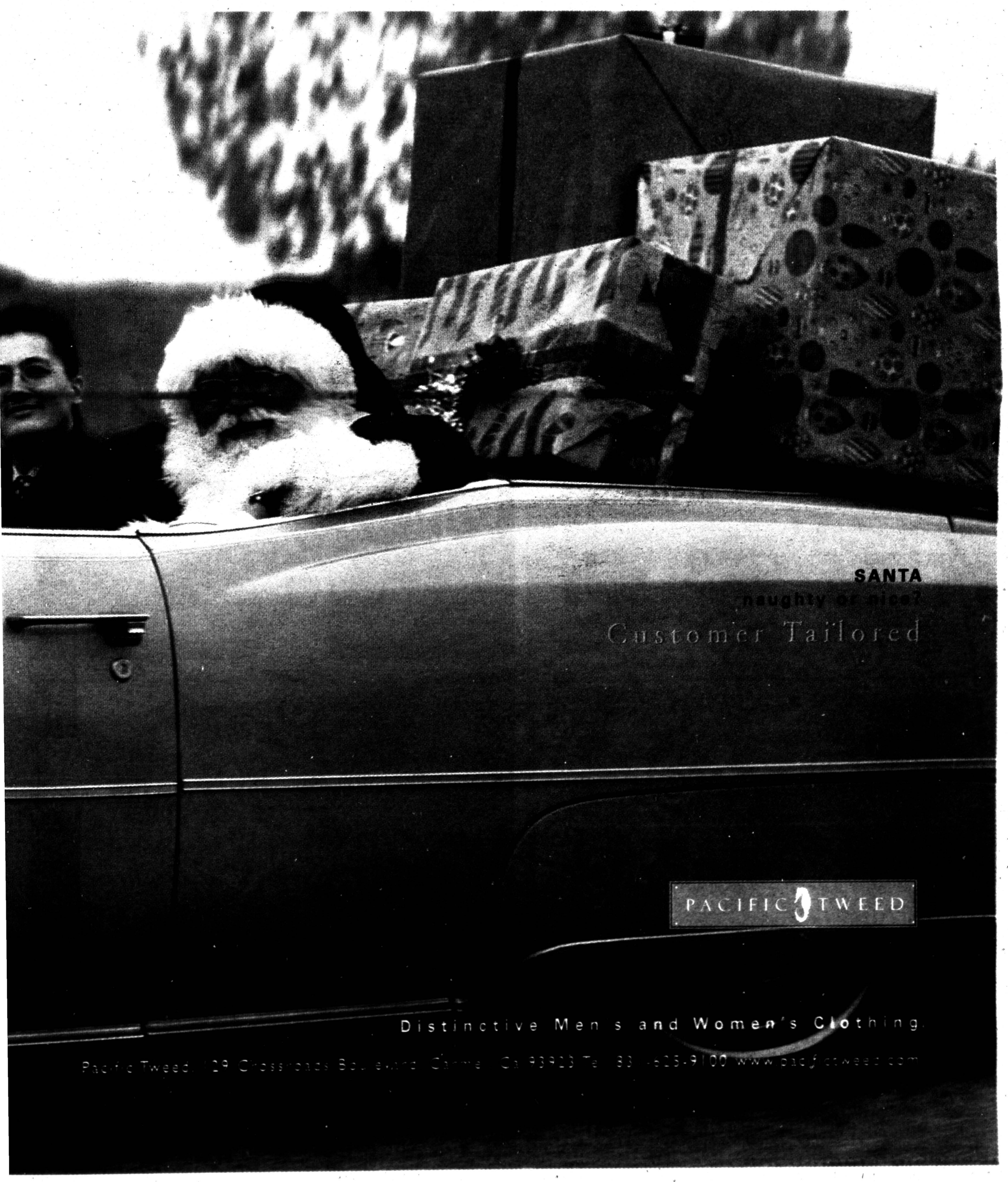
"Sometimes you don't see them until you're right there, but you should be looking ahead as much as you can," she said.

Mitchell is also working with the state humane society to research dependable raccoon deterrents that can be used at close range.

She thanked residents and business owners who have made a concerted effort to discourage raccoons by closing up trash cans and keeping pet food inside, but she said those habits persist at some homes and restaurants, and encourage the current overpopulation of the pests.

As long as there's food around, raccoons will scavenge.

"I've had people call and complain there's a raccoon in their yard — two were during the morning hours," she said. "They feed their cats outside and don't want to stop doing that, but they want the raccoons to stop coming by."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PacRep director on quest for stolen leather

By MARY BROWNFIELD

THE THIEF wanted the black "Buddy Holly" leather jacket but passed on its owner's Mercedes.

"Maybe it was a crazed 'Buddy Holly' fan," speculated Pacific Repertory Theatre artistic director Stephen Moorer, who was at his show, "Buddy — The Tribute Concert," Saturday night dancing with his 7-year-old daughter at the foot of the stage when his coat was stolen from the seat where he had thrown it.

"I ran backstage with my daughter to say, 'Hi,' to the actors," Moorer said. "I came back out, and the jacket was gone."

Everyone helped search the empty theater for the black leather coat, which has "The Buddy Holly Story" across the back and "Buddy Holly" over the heart.

His keys, which had been in one of the pockets, were left in plain view on a table in the lobby.

"So they didn't want my car — they just wanted my jacket. It's a Mercedes key," he said. "But I suppose they weren't into grand theft auto."

Now Moorer, a little bit colder but with his ever-present sense of humor intact, is hoping Pine Cone readers will help find his threads.

"This is a jacket that really only a 'Buddy' company member could have, so if any of the readers' husbands or wives has it in their closet," he said, they now know who its rightful owner is.

"It's worth a couple hundred bucks," Moorer said, adding that the cast and crew, not the nonprofit theater company, paid for their jackets.

"But it's the sentimental value," he said. "And I'm cold."

Moorer wore the coat in Los Angeles, San Francisco and San Jose when his com-

See ***BUDDY*** *page 29A*

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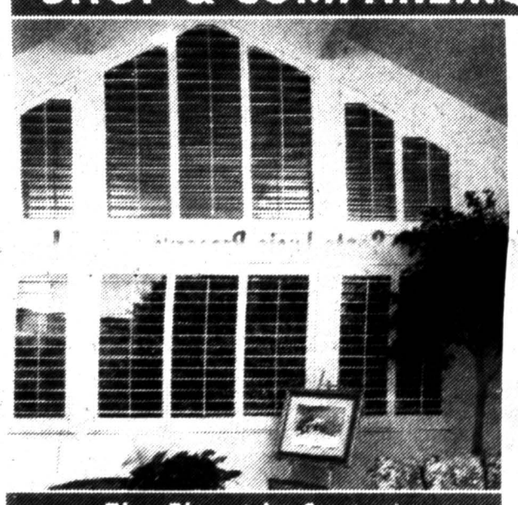

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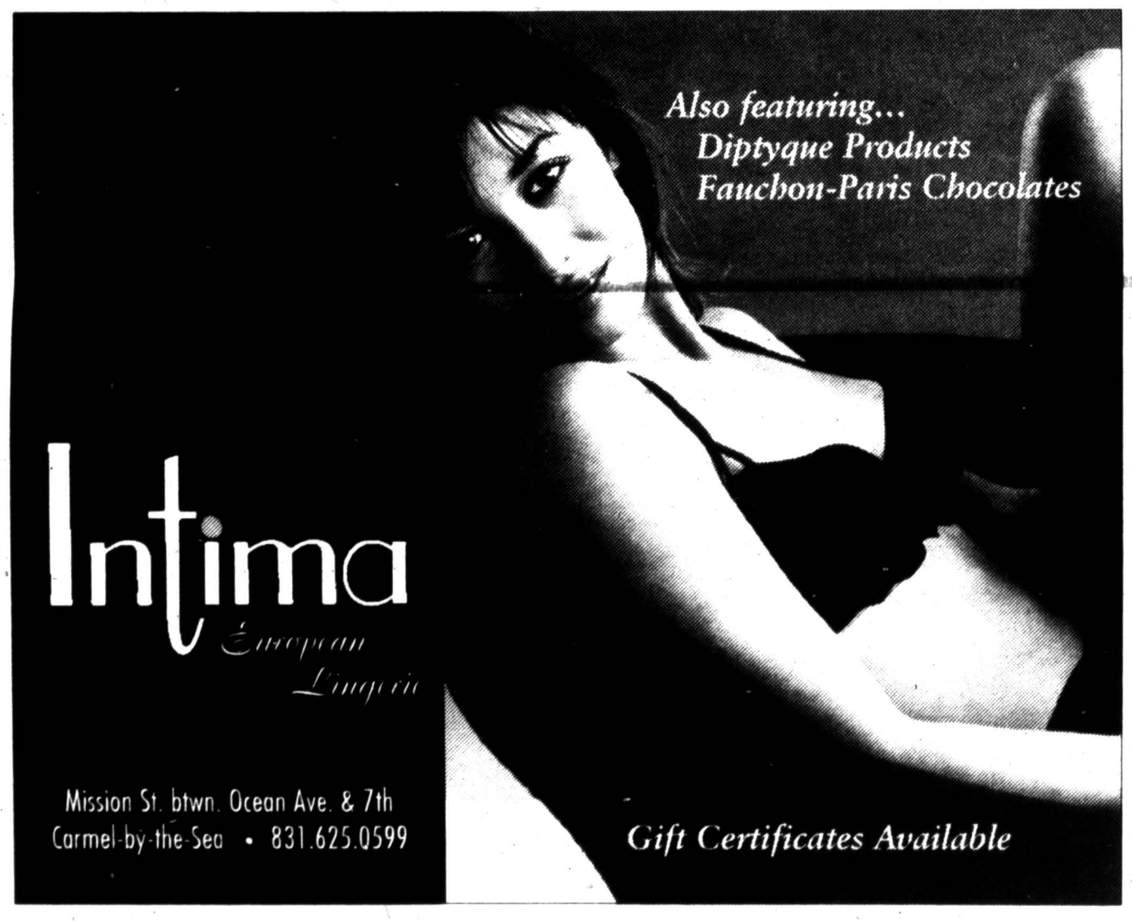

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Cragheads host open house at gallery

By MARY BROWNFIELD

WITH HER kitchen in pieces and her Thanksgiving cornbread stuffing and potato casserole still locked inside the broken oven, Seaside resident Jackie Craghead and her husband, Don, will host their annual holiday open house at their Carmel art gallery Dec. 22. And as is their tradition, they will gather new, unwrapped toys and nonperishable foods for the Salvation Army. All are welcome to drop in anytime between 4 and 8 p.m., if they come bearing such gifts.

Their kitchen remodel, meanwhile, is still a work in progress.

The Cragheads' holiday open house tradition began 17 years ago when Jackie threw a surprise 40th birthday party for her husband.

Every year since, people have flocked to the Craghead household to partake in merrymaking while contributing to the worthy Salvation Army cause.

Regulars who visit the Cragheads at their alternate venue this year may miss the Santa Room — filled with a collection of 75 replicas of the jolly, bearded man ranging from minuscule to almost 6 feet tall — and the Christmas tree dripping with cherubs and angels.

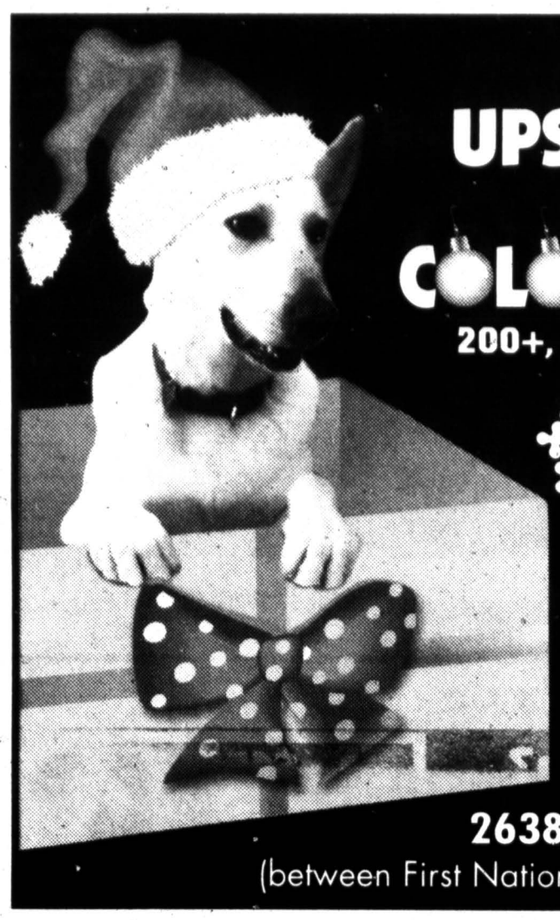
But Jackie said she convinced Don to allow her the pleasure of exercising her holiday decorating hand in at least one of the rooms at their D.E. Craghead Fine Arts, located on Sixth Avenue between Dolores and Lincoln streets, for just one special day.

"We're bringing Christmas from our home to the gallery," she said.

Accompanying the Santas, cherubs, angels and other decorations will be the holiday dishes their guests have come to expect, including ham, potato salad, broccoli salad, pound cake, their daughter's fruit bars and a friend's cheese ball with toasted coconut and chutney known to disappear quickly.

Pianist Bob Phillips will also tickle the ivories at the party.

No RSVP is necessary — just a gift of food or toys for the Salvation Army will do.



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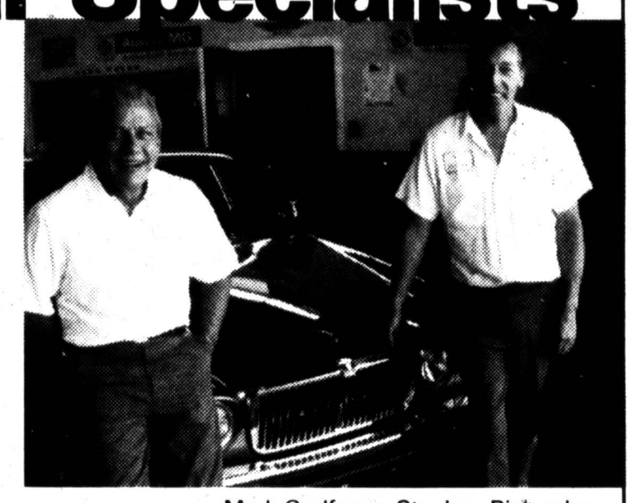

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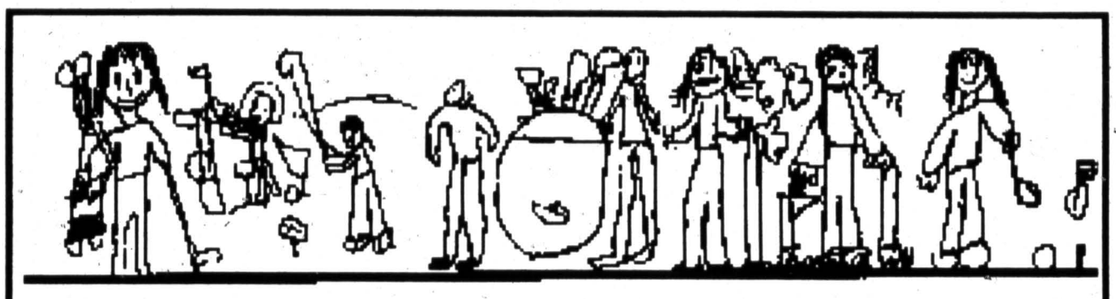

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Complete text of judge's decision declaring disabled man a 'vexatious litigant'

Last week, a federal judge threw a major barrier between a San Fernando Valley man and any additional ADA lawsuits he may be planning to file. The judge, Edward Rafeedie, an appointee of President Ronald Reagan, declared Jarek Molski — who has filed almost 400 suits statewide, including more 20 in Monterey County — a "vexatious litigant" and barred him from filing any new suits without the judge's permission. A story about Molski's latest lawsuits in Carmel appears on page 1. The following is the complete text of Judge Rafeedie's decision:

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Case No. CV 04-0450 ER

Plaintiffs: Jarek Molski, an individual, and Disability Rights Enforcement Education Services (DREES), a California Corporation.
versus
Defendants: Mandarin Touch Restaurant, Evergreen Dynasty, a California Corporation, and Brian McInerney and Kathy S. McInerney

ORDER granting defendant's motion to declare Jarek Molski a vexatious litigant and for an order requiring Molski to obtain leave of court before filing any other claims under the Americans With Disabilities Act.

Filed: Dec. 9, 2004, by Edward Rafeedie, Senior United States District Judge

Defendant Evergreen Dynasty Corporation, doing business as Mandarin Touch Restaurant, has asked this Court to declare Plaintiff Jarek Molski a vexatious litigant, and to order Molski to obtain leave of court before filing any other claims under the Americans With Disabilities Act. The matter came on for hearing on November 15, 2004, the Honorable Edward Rafeedie presiding. The Court has concluded that a pre-filing order is appropriate for the reasons discussed below.

Statement of Facts

a. Plaintiff's History of Litigation

Plaintiff Jarek Molski is a physically disabled individual who relies on a wheelchair for ambulation. Although he resides in Woodland Hills, he has filed hundreds of lawsuits in federal courts throughout the state of California. [Footnote: Defendant's Memorandum of Points and Authorities asserts that Molski has filed 334 lawsuits in the federal courts since 1998. During the hearing, Plaintiff's counsel stated that Molski had filed approximately 400 suits, and the Court will accept that number. Despite this considerable number of filings, Molski has never litigated a suit on the merits in the Central District of California. The vast majority of his claims settle, with a significant minority dismissed for lack of prosecution or violation of a court order.]

A review of the cases submitted to this Court reveals that many are nearly identical in terms of the facts alleged, the claims presented, and the damages requested. In virtually every complaint involving a restaurant or winery, Molski initially reports having trouble finding adequate van-accessible parking. Then, almost uniformly, he reports difficulties entering the business, often citing ramps that are too steep, or doors that require more pressure to open than is permitted by law. After entering the business, Molski generally complains that the service counter is too high. Virtually every complaint ends with Molski venturing to the restroom, which inevitably suffers from at least one violation. Molski almost always suffers some injury — typically to the upper extremities — in the process of transferring himself from his wheelchair to the toilet. He also regularly complains of suffering humiliation or other emotional distress from the experience. Molski's prayer for relief routinely includes both a request for injunctive relief and damages of $4,000 per day, for each day after his visit until the facility is brought up to ADA standards.

The facts of the instant case are predictably similar. On January 25, 2003, Molski's complaint alleges that he had dinner at the Mandarin Touch Restaurant in Solvang, California. After dinner, Molski attempted to use the restroom, but found that the entrance was too narrow. Molski then alleges that, as he was attempting to leave the restroom, his hand became "caught in the exterior door causing trauma to it." The lawsuit asks for injunctive relief to bring the restaurant up to ADA standards, and damages of not less than $4,000 per day, for each day after his visit until such time as the restaurant is made fully accessible.

b. The Americans With Disabilities Act

The Americans with Disabilities Act was signed into law in 1990. Its stated goal is to remedy discrimination against individuals with disabilities. To that end, Title III of the ADA requires the removal of structural barriers in existing public accommodations "where such removal is readily achievable." [Footnote: The ADA defines "readily achievable" as "easily accomplishable and able to be carried out without much difficulty or expense."] Where removal of the barrier is not readily achievable, the facility must provide access "through alternative methods if such methods are readily achievable."

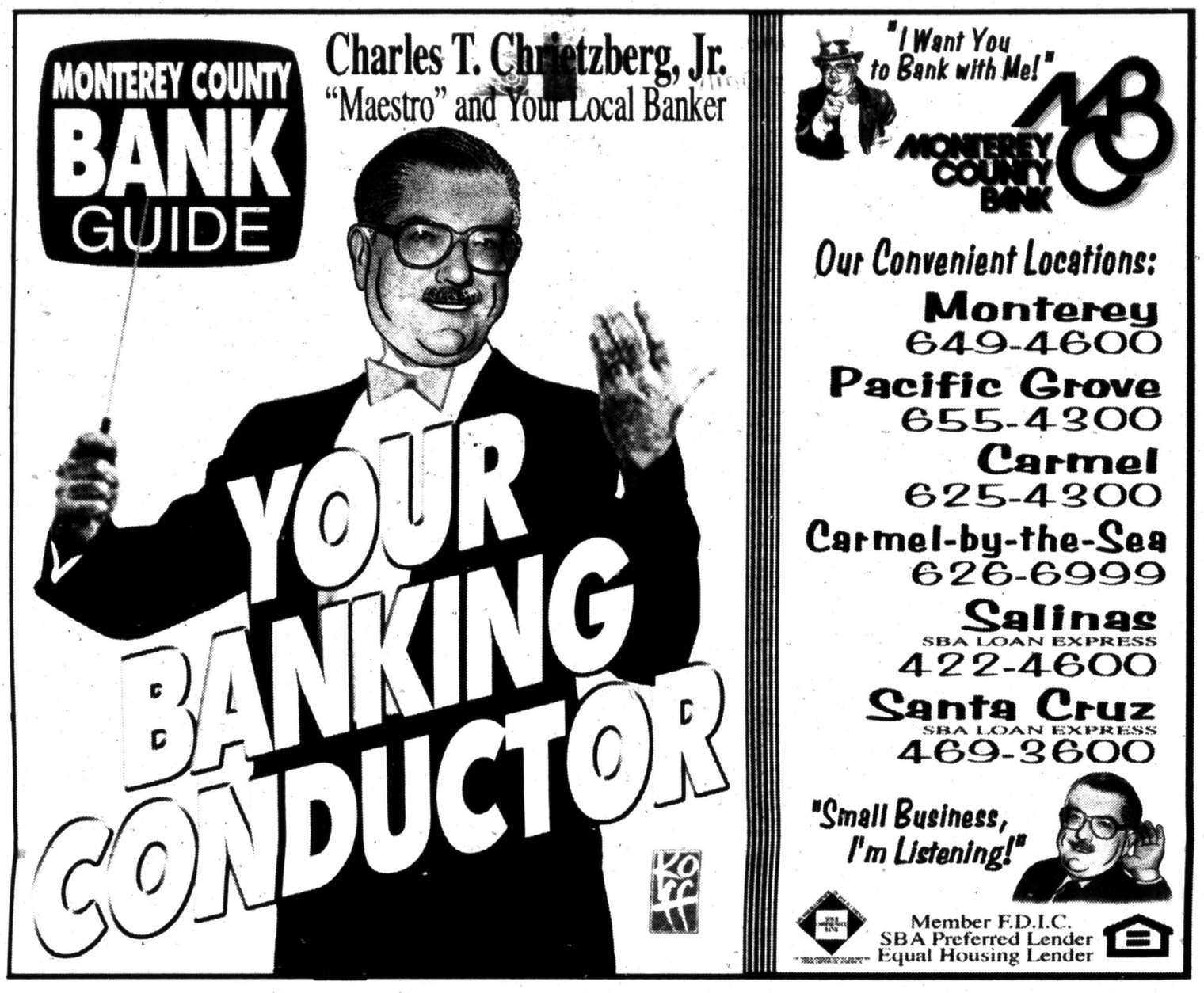
To enforce Title III, the ADA contains both a private right of action, and a right of action for the Attorney General. While the Attorney General may seek monetary damages on behalf of an aggrieved party, the only remedies available under the private right of action are injunctive relief and the recovery of attorneys' fees and costs.

By providing different remedies for public and private enforcement, Congress clearly demonstrated its intent to prevent private plaintiffs from recovering money damages under the ADA.

However, enterprising plaintiffs (and their attorneys) have found a way to circumvent the will of Congress by seeking money damages while retaining federal jurisdiction. Because a violation of the ADA also constitutes a violation of California's Unruh Civil Rights Act, and the California Disabled Persons Act, Plaintiffs can sue in federal court for injunctive relief under the ADA, and tack on state law claims for money damages under the Unruh Act and CDPA. See, e.g., Moeller v. Taco Bell Corp., 220 F.R.D. 604, 607 (N.D. Cal. 2004).

The ability to profit from ADA litigation has given birth to what one Court described as "a cottage industry." Rodriguez v. Investco, L.L.C., 305 F. Supp. 2d 1278, 1280-81 (M.D. Fla. 2004). The scheme is simple: an unscrupulous law firm sends a disabled individual to as many businesses as possible, in order to have him aggressively seek out any and all violations of the ADA. Then, rather than simply informing a business of the violations, and attempting to remedy the matter through "conciliation and voluntary compliance," a lawsuit is filed, requesting damage awards that would put many of the targeted establishments out of business. Faced with the specter of costly litigation and a potentially fatal judgment against them, most businesses quickly settle the matter.

*See **MOLSKI**, page 4B of the Real Estate section*



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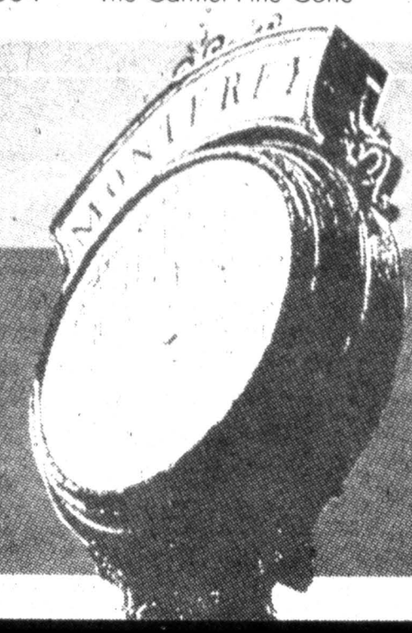

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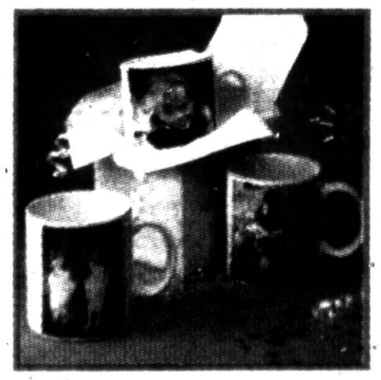

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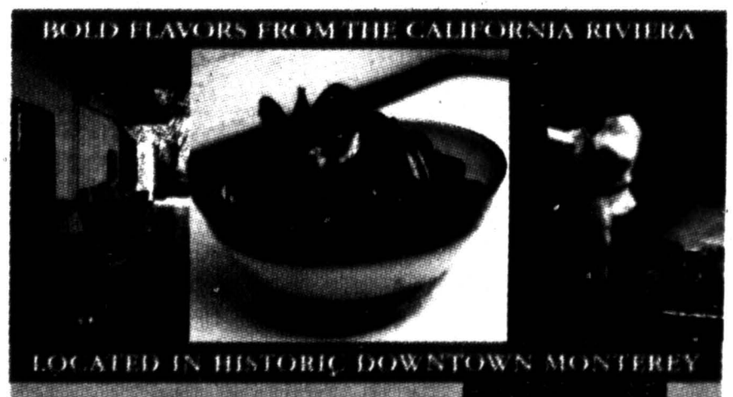

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PUBLIC NOTICES • PUBLIC NOTICES • PUBLIC NOTICES

FICTITIOUS BUSINESS NAME STATEMENT File No. 20042689. The following person(s) is(are) doing business as: **CARMEL BASEBALL,** 6th Ave 2 West, Carmel, CA 93921. DENNIS GERALD MARSHALL, 24711 Dolores St., Carmel, CA 93923. This business is conducted by an individual. Registrant commenced to transact business under the fictitious name listed above in N/A. (s) Dennis Gerald Marshall. This statement was filed with the County Clerk of Monterey County on Nov. 12, 2004. Publication dates: Nov. 26, Dec. 3, 10, 17, 2004. (PC1122)

SUMMONS – FAMILY LAW
CASE NUMBER: DR 41957
NOTICE TO RESPONDENT: ARTURO G. VELASQUEZ
You are being sued.
PETITIONER'S NAME IS: SARA I. GOMEZ

You have 30 CALENDAR DAYS after this Summons and Petition are served on you to file a response (form 1282) at the court and serve a copy on the petitioner. A letter or phone call will not protect you;.

If you do not file your *Response* on time, the court may make orders affecting your marriage, your property, and custody of your children. You may be ordered to pay support and attorney fees and costs. If you cannot pay the filing fee, ask the clerk for a fee waiver form.

If you want legal advice, contact a lawyer immediately.

NOTICE: *The restraining orders on the back are effective against both husband and wife until the petition is dismissed, a judgement is entered, or the court makes further orders. These orders are enforceable anywhere in California by any law enforcement officer who has received or seen a copy of them.*

The name and address of the court is:
SUPERIOR COURT OF CALIFORNIA
COUNTY OF MONTEREY
1200 Aguajito Road
Monterey, CA 93940

The name, address and telephone number of the petitioner's attorney, or petitioner without an attorney, is:
SARA I. GOMEZ
142 Sycamore Rd.
Salinas, CA 93905
(831) 424-1680

RONALD D. LANCE
11 W. Laurel Dr., Suite #219
Salinas, CA 93906
(831) 443-6509
Reg: #LDA5
County: Monterey

Notice to the person served: You are served as an individual.
Date: June 9, 2004
(s)Lisa M. Galdos, Clerk
by L. Brown, Deputy
Publication Dates: Nov. 26, Dec. 3, 10, 17, 2004. (PC1124)

FICTITIOUS BUSINESS NAME STATEMENT File No. 20042734. The following person(s) is(are) doing business as: **RODNEY HUNTER FURNITURE COLLECTION,** 531 Ramona Ave., Monterey, CA 93940. RODNEY HUNTER, 7 Riley Ranch Rd., Carmel, CA 93923. This business is conducted by an individual. Registrant commenced to transact business under the fictitious name listed above in Aug. 1999. (s) Rodney Hunter, Owner. This statement was filed with the County Clerk of Monterey County on Nov. 17, 2004. Publication dates: Nov. 26, Dec. 3, 10, 17, 2004. (PC1127)

FICTITIOUS BUSINESS NAME STATEMENT File No. 20042715
The following person(s) is (are) doing business as:
TOMRA RECYCLING NETWORK, 150 Klug Circle, Corona, CA 92880
This business is conducted by a Corporation
Tomra Pacific Inc., 150 Klug Circle, Corona, CA 92880
I declare that all information in this statement is true and correct. (A registrant who declares as true information which he or she knows to be false is guilty of a crime.)
S/ WALTER F. GARIGLIANO
This statement was filed with the County Clerk of MONTEREY County on 11/16/2004
The registrant(s) commericed to transact business under the fictitious business name or names listed above on 7/01/1999
NOTICE-This Fictitious Name Statement expires five years from the date it was filed in the office of the County Clerk. A New Fictitious Business Name Statement must be filed before that time.
The filing of this statement does not of itself authorize the use in this state of a Fictitious Business Name in violation of the rights of another under Federal, State, or common law (See Section 14411 et seq., Business and Professions Code).
First Filing 11/26/04, 12/03/04, 12/10/04, 12/17/04
CNS- 750411#
CARMEL PINE CONE
Publication Dates: Nov. 26, Dec. 3, 10, 17, 2004. (PC1128)

FICTITIOUS BUSINESS NAME STATEMENT File No. 20042736. The following person(s) is(are) doing business as: **EVER CLEAN,** 168 Central, Pacific Grove, CA 93950. MICHAEL JUSTIN VON YERZY, 168 Central, Pacific Grove, CA 93950. This business is conducted by an individual. Registrant commenced to transact business under the fictitious name listed above in Nov. 5, 2004. (s) Michael Von Yerzy. This statement was filed with the County Clerk of Monterey County on Nov. 17, 2004. Publication dates: Nov. 26, Dec. 3, 10, 17, 2004. (PC1129)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MONTEREY
In re the estate of
LOIS M. STARNES, Deceased.
Case No. MP-17405
NOTICE TO CREDITORS OF LOIS M. STARNES

Notice is hereby given to the creditors and contingent creditors of the above-named decedent, that all persons having claims against the decedent are required to file them with the Superior Court at 1200 Aguajito Road, Monterey, California 93940, and mail a copy to MARIE DAY, Trustee of the Trust dated October 15, 1986, wherein the decedent was the Settlor, at P.O. Box 805, Carmel, California 93921, within the later of four (4) months after the date of the first publication of this notice, or, if notice is mailed or personally delivered to you, 30 days after the date this notice is mailed or personally delivered to you, or you must petition to file a late claim as provided in section19103 of the Probate Code. A claim form may be obtained from the court clerk. For your protection, you are encouraged to file your claim by certified mail, with return receipt requested.

This statement was filed with the County Clerk of Monterey County on June 2, 2004.
(s) THOMAS HART HAWLEY,
Attorney for Trustee,
Post Office Box 805
Carmel, California 93921

Publication dates: Dec. 3, 10, 17, 2004. (PC1201)

FICTITIOUS BUSINESS NAME STATEMENT File No. 20042776. The following person(s) is(are) doing business as: **SMB CARMEL INTERIORS,** 3380 Rio Road, Carmel, CA 93923/Mailing: P.O. Box 748, Pebble Beach, CA 93953.; STEPHEN M. BURKE, 3380 Rio Road, Carmel, California 93923. This business is conducted by an individual (s) Stephen M. Burke This statement was filed with the County Clerk of Monterey County on Nov. 23, 2004. Publication dates: Dec. 3, 10, 17, 24, 2004. (PC1202)

FICTITIOUS BUSINESS NAME STATEMENT File No. 20042715
The following person(s) is (are) doing business as:
TOMRA RECYCLING NETWORK, 150 Klug Circle, Corona, CA 92880
This business is conducted by a Corporation
Tomra Pacific Inc., 150 Klug Circle, Corona, CA 92880
I declare that all information in this statement is true and correct. (A registrant who declares as true information which he or she knows to be false is guilty of a crime.)
S/ WALTER F. GARIGLIANO
This statement was filed with the County Clerk of MONTEREY County on 11/16/2004
The registrant(s) commenced to transact business under the fictitious business name or names listed above on 7/01/1999
NOTICE-This Fictitious Name Statement expires five years from the date it was filed in the office of the County Clerk. A New Fictitious Business Name Statement must be filed before that time.
The filing of this statement does not of itself authorize the use in this state of a Fictitious Business Name in violation of the rights of another under Federal, State, or common law (See Section 14411 et seq., Business and Professions Code).
First Filing 11/26/04, 12/03/04, 12/10/04, 12/17/04
CNS- 750411#
CARMEL PINE CONE
Publication Dates: Nov. 26, Dec. 3, 10, 17, 2004. (PC1128)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MONTEREY
In re the estate of
LOIS M. STARNES, Deceased.
Case No. MP-17405
NOTICE TO CREDITORS OF LOIS M. STARNES

Notice is hereby given to the creditors and contingent creditors of the above-named decedent, that all persons having claims against the decedent are required to file them with the Superior Court at 1200 Aguajito Road, Monterey, California 93940, and mail a copy to MARIE DAY, Trustee of the Trust dated October 15, 1986, wherein the decedent was the Settlor, at P.O. Box 805, Carmel, California 93921, within the later of four (4) months after the date of the first publication of this notice, or, if notice is mailed or personally delivered to you, 30 days after the date this notice is mailed or personally delivered to you, or you must petition to file a late claim as provided in section19103 of the Probate Code. A claim form may be obtained from the court clerk. For your protection, you are encouraged to file your claim by certified mail, with return receipt requested.

This statement was filed with the County Clerk of Monterey County on June 2, 2004.
(s) THOMAS HART HAWLEY,
Attorney for Trustee,
Post Office Box 805
Carmel, California 93921

Publication dates: Dec. 3, 10, 17, 2004. (PC1201)

FICTITIOUS BUSINESS NAME STATEMENT File No. 20042706. The following person(s) is(are) doing business as: **CMS - CALIFORNIA, LLC,** 10 Lazy Oaks, Carmel Valley, CA 93924. CLUB MARKETING AND MANAGEMENT SERVICES, LLC, 10 Lazy Oaks, Carmel Valley, CA 93924. This business is conducted by a limited liability company. Registrant commenced to transact business under the fictitious name listed above on November 1, 2004. (s) Dennis R. Shepherd, President. This statement was filed with the County Clerk of Monterey County on Nov. 15, 2004. Publication dates: Dec. 3, 10, 17, 24, 2004. (PC1203)

FICTITIOUS BUSINESS NAME STATEMENT File No. 20042623. The following person(s) is(are) doing business as: **PC EXPERTS,** P.O. Box 10177, Salinas, CA 93912, Salinas, CA 93905. ROJAN FRANCISCO, 1218 Camarillo Ct., Salinas, CA 93905; LUIS PAVON, 225 San Simeon Ct., Greenfield, CA 93927. This business is conducted by a general partnership. Registrant commenced to transact business under the fictitious name listed above on Dec. 12, 2003. (s) Rojan Francisco. This statement was filed with the County Clerk of Monterey County on Nov. 3, 2004. Publication dates: Dec. 3, 10, 17, 24, 2004. (PC1204)

FICTITIOUS BUSINESS NAME STATEMENT File No. 20042796. The following person(s) is(are) doing business as: **JEWEL STUDIO,** 381 Cannery Row, Suite N, Monterey, CA 93940. MALENENE'S JEWELRY, INC. 381 Cannery Row, Suite N, Monterey, CA 93940. This business is conducted by a corporation. Registrant commenced to transact business under the fictitious name listed above on Dec. 1, 2004. (s) Danny Guida, CEO. This statement was filed with the County Clerk of Monterey County on Nov. 29, 2004. Publication dates: Dec. 3, 10, 17, 24, 2004. (PC1205)

FICTITIOUS BUSINESS NAME STATEMENT File No. 20042783. The following person(s) is(are) doing business as: **ALLIED WASTE SERVICES OF SALINAS,** 27-1 Rianda Street, Salinas, CA 93901. BFI WASTE SYSTEMS OF NORTH AMERICA, IN., Delaware, 15880 N. Greenway-Hayden Loop #100, Scottsdale, AZ 85260. This business is conducted by a corporation. Registrant commenced to transact business under the fictitious name listed above on Nov. 1, 2004. (s) Jo Lynn White, Secretary. This statement was filed with the County Clerk of Monterey County on Nov. 24, 2004. Publication dates: Dec. 3, 10, 17, 24, 2004. (PC1206)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MONTEREY
In re the estate of
EVE WIRTH (FORMERLY EVE HORN)
Case No. MP-17425
NOTICE TO CREDITORS OF EVE WIRTH (FORMERLY EVE HORN)

Notice is hereby given to the creditors and contingent creditors of the above-named decedent, that all persons having claims against the decedent are required to file them with the Superior Court at 1200 Aguajito Road, Monterey, California 93940, and mail a copy to DAVID B. SCATENE, Trustee of the Trust dated January 8, 1991, wherein the decedent was the Settlor, at P.O. Box 805, Carmel, California 93921, within the later of four (4) months after the date of the first publication of this notice, or, if notice is mailed or personally delivered to you, 30 days after the date this notice is mailed or personally delivered to you, or you must petition to file a late claim as provided in Section 19103 of the Probate Code. A claim form may be obtained from the court clerk. For your protection, you are encouraged to file your claim by certified mail, with return receipt requested.

This statement was filed with the County Clerk of Monterey County on Nov. 24, 2004.
(s) THOMAS HART HAWLEY,
Attorney for Trustee
Post Office Box 805
Carmel, California 93921

Publication dates: Dec. 10, 17, 24, 2004. (PC1207)

SUMMONS
CASE NUMBER:04C01498
NOTICE TO DEFENDANT: LAWRENCE L. FOREMAN aka LAWRENCE FOREMAN aka LARRY L. FOREMAN aka LARRY FOREMAN, CALIFORNIA DEPARTMENT OF MOTOR VEHICLES and DOES 1 through 200, inclusive
YOU ARE BEING SUED BY PLAINTIFF: JUSTICE FEDERAL CREDIT UNION fka WILSHIRE WEST FEDERAL CREDIT UNION

You have 30 CALENDAR DAYS after this summons is served on you to file a typewritten response at this court.

A letter or phone call will not protect you; your typewritten response must be in proper legal form if you want the court to hear your case.

If you do not file your response on time, you may lose the case, and your wages, money and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

The name and address of the court is:
SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES
One Regent Street
LIMITED CIVIL JURISDICTION
Inglewood, CA 90301-1295

The name, address and telephone number of the plaintiff's attorney, or plaintiff without an attorney, is:
A. LYSA SIMON,
Bar Number 94884
17134 Devonshire St., Suite 202
Northridge, CA 91325

Notice to the person served: You are served as an individual defendant. CCP 416.90 (individual).
Date: June 25, 2004
(s) John A. Clark, Clerk
by Sue Lilio, Deputy
Publication Dates: Dec. 10, 17, 24, 31, 2004. (PC 1208)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MONTEREY

ORDER TO SHOW CAUSE FOR CHANGE OF NAME
Case No. M72174

TO ALL INTERESTED PERSONS: petitioner VALERIE P. SIGALA filed a petition with this court for a decree changing names as follows:
A. *Present name*: SWEETIE AALIYAH NICOLE RESENDEZ
Proposed name: SWEETIE AALIYAH NICOLE FUENTES

THE COURT ORDERS that all persons interested in this matter shall appear before this court at the hearing indicated below to show cause, if any, why the petition for change of name should not be granted.

NOTICE OF HEARING: Jan. 14, 2005, at 9:00 a.m. The address of the court is 1200 Aguajito Road, Monterey, CA 93940.

A copy of this *Order to Show Cause* shall be published at least once each week for four successive weeks prior to the date set for hearing on the petition in the following newspaper of general circulation, printed in this county: The Carmel Pine Cone, Carmel.
(s) Michael S. Fields
Judge of the Superior Court
Date filed: Nov. 5, 2004

Publication dates: Dec. 10, 17, 24, 31, 2004. (PC1209)

FICTITIOUS BUSINESS NAME STATEMENT File No. 20042837. The following person(s) is(are) doing business as: **ELLEN ACRES,** 3912 Ronda Road, Pebble Beach, CA 93953. SUZANNE ELLEN THOMAS, 3912 Ronda Road, Pebble Beach, CA 93953. This business is conducted by an individual. Registrant commenced to transact business under the fictitious name listed above on Dec. 1, 2004. (s) Suzanne Thomas. This statement was filed with the County Clerk of Monterey County on Dec. 2, 2004. Publication dates: Dec. 10, 17, 24, 31, 2004. (PC1210)

FICTITIOUS BUSINESS NAME STATEMENT File No. 20042804. The following person(s) is(are) doing business as:
1. THE COUNTRY STORE,
2. JSM DESIGN
8562 Carmel Valley Road, Carmel, CA 93923. RICHARDSON S. MUMFORD, 8562 Carmel Valley Road, Carmel, CA 93923. JANINE S. MUMFORD, 8562 Carmel Valley Road, Carmel, CA 93923. This business is conducted by a general partnership. Registrant commenced to transact business under the fictitious name listed above on Nov. 30, 2004. (s) Richardson S. Mumford. This statement was filed with the County Clerk of Monterey County on Nov. 30, 2004. Publication dates: Dec. 10, 17, 24, 31, 2004. (PC1211)

FICTITIOUS BUSINESS NAME STATEMENT File No. 20042821. The following person(s) is(are) doing business as: **DUMONT PROPERTIES,** 2959 Cormorant Rd., Pebble Beach, CA 93953. DUMONT PROPERTIES, INC., CALIFORNIA, 2959 Cormorant Rd., Pebble Beach, Ca 93953. This business is conducted by a corporation. Registrant commenced to transact business under the fictitious business name or names listed above on Jan. 1, 2005 (s) Carina Dumont, President. This statement was filed with the County Clerk of Monterey County on Dec. 1, 2004. Publication dates: Dec. 10, 17, 24, 31, 2004. (PC1212)

FICTITIOUS BUSINESS NAME STATEMENT File No. 20042867. The following person(s) is(are) doing business as: **5% REAL ESTATE COMPANY,** West side of Dolores between 5th & 6th upstairs, P.O. Box 6292, Carmel, CA 93921. CATHERINE THOMPSON, 35589 Texas Flatmine Rd., Coarsegold, CA 93614. This business is conducted by an individual. Registrant commenced to transact business under the fictitious business name or names listed above on Dec. 7, 2004 (s) Catherine Thompson. This statement was filed with the County Clerk of Monterey County on Dec. 7, 2004. Publication dates: Dec. 10, 17, 24, 31, 2004. (PC1213)

SUMMONS
CASE NUMBER: M 67460
NOTICE TO DEFENDANT: KIM MAUREEN MITCHELL; and DAVID L. MITCHELL; and Does 1 to 10;
YOU ARE BEING SUED BY PLAINTIFF: ANTONIO CRICELLI; and NINA WILCOX

You have 30 CALENDAR DAYS after this summons is served on you to file a typewritten response at this court.

A letter or phone call will not protect you; your typewritten response must be in proper legal form if you want the court to hear your case.

If you do not file your response on time, you may lose the case, and your wages, moriey and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may call an attorney referral service or a legal aid office (listed in the phone book).

The name and address of the court is:
MONTEREY SUPERIOR COURT
1200 Aguajito Road
Monterey, California 93940

The name, address and telephone number of the plaintiff's attorney, or plaintiff without an attorney, is:
Robert E. Rosenthal (Bar #67343)
BOHNEN, ROSENTHAL & DUSENBURY
555 Abrego Street, 2nd Floor
Monterey, California 93940
(831) 649-5551
Fax (831) 649-0272

Date: Oct. 22, 2003
(s) Sherri L. Pedersen, Clerk
by Regina Pak, Deputy
Publication Dates: Dec. 10, 17, 24, 2004. (PC 1215)

FICTITIOUS BUSINESS NAME STATEMENT File No. 20042768. The following person(s) is(are) doing business as: **CASTLE COASTAL VINEYARDS,** 3265 W. Figarden Drive, Fresno, California 93710. ARROYO SECO VINEYARD, LLC, CALIFORNIA, 3265 W. Figarden Drive, Fresno, California 93710. This business is conducted by a Limited liability company. Registrant commenced to transact business under the fictitious name listed above on april 15, 1999. (s) Russell Matsumoto, Agent. This statement was filed with the County Clerk of Monterey County on Nov. 22, 2004. Publication dates: Dec. 10, 17, 24, 31, 2004. (PC1216)

NOTICE OF PETITION TO ADMINISTER ESTATE OF ARTHUR ROSENTHAL
Case No. MP17418

To all heirs, beneficiaries, creditors, contingent creditors, and persons who may otherwise be interested in the will or estate, or both, of ARTHUR ROSENTHAL

A PETITION FOR PROBATE has been filed by Marilyn Rosenwein in the Superior Court of California, County of MONTEREY.

THE PETITION FOR PROBATE requests that Marilyn Rosenwein be appointed as personal representative to administer the estate of the decedent.

THE PETITION requests the decedent's will and codicils, if any, be admitted to probate. The will and any codicils are available for examination in the file kept by the court.

THE PETITION requests authority to administer the estate under the Independent Administration of Estates Act. (This authority will allow the personal representative to take many actions without obtaining court approval. Before taking certain very important actions, however, the personal representative will be required to give notice to interested persons unless they have waived notice or consented to the proposed action.) The independent administration authority will be granted unless an interested person files an objection to the petition and shows good cause why the court should not grant the authority.

A HEARING on the petition will be held on January 14, 2005 at 10:30 AM in Dept. No. 14 located at 1200 AGUAJITO RD, MONTEREY CA 93940.

IF YOU OBJECT to the granting of the petition, you should appear at the hearing and state your objections or file written objections with the court before the hearing. Your appearance may be in person or by your attorney.

IF YOU ARE A CREDITOR or a contingent creditor of the deceased, you must file your claim with the court and mail a copy to the personal representative appointed by the court within four months from the date of first issuance of letters as provided in Probate Code section 9100. The time for filing claims will not expire before four months from the hearing date noticed above.

YOU MAY EXAMINE the file kept by the court. If you are a person interested in the estate, you may file with the court a Request for Special Notice (form DE-154) of the filing of an inventory and appraisal of estate assets or of any petition or account as provided in Probate Code section 1250. A Request for Special Notice form is available from the court clerk.

Attorney for petitioner:
MITCHELL GASWIRTH ESQ
PROSKAUER ROSE LLP
2049 CENTURY PARK E
STE 3200
LOS ANGELES CA 90067
Carmel Pine Cone
CN716207 ROSENTHAL
Dec 17,24,31, 2004
Publication dates: Dec. 10, 17, 24, 31, 2004. (PC1214)

FICTITIOUS BUSINESS NAME STATEMENT File No. 20042898. The following person(s) is(are) doing business as:
(1) WISDOM WISDOM
(2) WISDOMWISDOM.COM, 4000 Rio Rd. #21 (P.O. Box 223002 Carmel, CA 93922), Carmel, CA 93923. GILBERT FAY WISDOM, 4000 Rio Rd. #21, Carmel, CA 93923. This business is conducted by an individual. Registrant commenced to transact business under the fictitious business name or names listed above on July 1, 2004 (s) Gilbert Fay Wisdom. This statement was filed with the County Clerk of Monterey County on Dec. 10, 2004. Publication dates: Dec. 17, 24, 31, 2004 & Jan. 7, 2005. (PC1217)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MONTEREY

ORDER TO SHOW CAUSE FOR CHANGE OF NAME
Case No. M72463.

TO ALL INTERESTED PERSONS: petitioner filed a petition with this court for a decree changing names as follows:
A. *Present name*: DONALD R. CAPPARIS
Proposed name: DONALD R. CAPARIS

THE COURT ORDERS that all persons interested in this matter shall appear before this court at the hearing indicated below to show cause, if any, why the petition for change of name should not be granted.

NOTICE OF HEARING: Jan. 14, 2005, at 9:00 a.m. The address of the court is 1200 Aguajito Road, Monterey, CA 93940.

A copy of this *Order to Show Cause* shall be published at least once each week for four successive weeks prior to the date set for hearing on the petition in the following newspaper of general circulation, printed in this county: The Carmel Pine Cone, Carmel.
(s) Robert O'Farrell
Judge of the Superior Court
Date filed: Dec. 8, 2004.

Publication dates: Dec. 17, 24, 31, 2004 & Jan. 7, 2005 . (PC1218)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MONTEREY

DECLARATION AND REQUEST FOR PUBLICATION OF SUMMONS AND PETITION; ORDER CASE NO. DR42365

SANDRA A. RICKS, Petitioner vs. MAURICE RICKS, Respondent

I, the undersigned, declare:
I am the Plaintiff in the above-entitled action.

Respondent and I separated November 1999. After returning home on November 18, 1999, I discovered our apartment was completely empty. Respondent was unemployed so I had no employer to call. I received a call from a friend of Respondents who informed me that Respondent had moved to Arkansas. I called every phone number that I knew of in Arkansas however everyone that I talked to has told me that they had not seen him. I had someone do an internet search however no information was found. I have not been able to locate Respondent for the past five years.

I do not desire to wait until which time Respondent returns to continue with my divorce and my life. I request that the court grant my request for publication so that I may move on with my life.

I request that proof of service of the summons be allowed by publication in The Carmel Pine Cone.
Dated: September 29, 2004
(s)Petitioner- In Pro Per, Sandra A. Ricks.
This statement was filed with the County Clerk of Monterey County on Dec. 7, 2004.
(s) Lisa M Galdos, Clerk,
(s) J. Villanueva, Deputy
Publication dates: Dec. 17, 24, 31, 2004 & Jan. 7, 2005 . (PC1219)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MONTEREY

ORDER TO SHOW CAUSE FOR CHANGE OF NAME
Case No. M72472.

TO ALL INTERESTED PERSONS: ANNE MARIE PAPINEAU and SAMIR ABDEL RAHMAN ABBOUD petitioners, filed a petition with this court for a decree changing names as follows:
A. *Present name*: LAITH ADRIAN PAPINEAU-ABBOUD
Proposed name: LAITH ADRIAN ABBOUD

THE COURT ORDERS that all persons interested in this matter shall appear before this court at the hearing indicated below to show cause, if any, why the petition for change of name should not be granted.

NOTICE OF HEARING: January 21, 2005, at 9:00 a.m. The address of the court is 1200 Aguajito Road, Monterey, CA 93940.

A copy of this *Order to Show Cause* shall be published at least once each week for four successive weeks prior to the date set for hearing on the petition in the following newspaper of general circulation, printed in this county: The Carmel Pine Cone, Carmel.
(s) Hon. Michael S. Fields
Judge of the Superior Court
Date filed: Dec. 9, 2004.

Publication dates: Dec. 17, 24, 31, 2004 & Jan. 7, 2005. (PC1220)

LEGALS DEADLINE:
TUESDAY 4:30 PM
FAX 624-8463
or call 624-0162

In "Angels in Flight," Marcia Hovick as Gammer, is joined by, from left, Hannah Ammon, Colette Hamwey and Abbi Ammon.

CET Christmas shows warm chillest of hearts

By DEBORAH SHARP

theater review

For 45 years Marcia Gambrell Hovick, joined in recent years by her daughter and son, Gwyneth and Nick, has provided Monterey County children the opportunity to experience all aspects of theater. The Children's Experimental Theatre isn't just acting classes; it is instruction in everything from swordplay to stage design to give children and adolescents "creative confidence."

On a recent Sunday afternoon at the Indoor Forest Theatre in Carmel, home of CET, this year's students proved rigorous training produces quality results.

The vehicle was two one-act plays, "Little Angels Rest" and "Angels in Flight," ingeniously connected by Marcia Hovick. Both deal with that decidedly Dickensian subject, the plight of orphans and child laborers, with enchanting fairy-tale elements to lighten the gloom.

The dreary, distressing stage is set at the opening of "Little Angels Rest" as orphan girls gather for inspection day. The orphans are wretched, the hawking, spitting, drunken cook, Sully Orpslatt (Cynthia Bage), even more so, and any slight indication of spirit from the girls is swiftly strangled by Miss Gouge, played frighteningly by Gwyneth Hovick.

The orphans range in age from very young to adolescent, and while some of the younger voices can't quite project their lines, all the orphans wrenchingly project their misery.

*See **CET** page 37A*

Today's Real Estate

by MAUREEN MASON
Certified Residential Specialist

Who Gets the House In a Divorce?

There is no fool-proof financial formula for divorcing couples to follow when going through the trauma of a divorce. To this, above all, be true, though: Do not make financial decisions based on your emotions.

This is very difficult advice to follow. An example: Divorcing couples often argue over who will get to keep the family home and, sadly, it is often the spouse least capable of affording the expenses of owning the home who ends up with it, often losing her or his right to such things as retirement savings and other investments in the process.

One obvious problem: When a divorce is finalized the amount of potential gains that can be exempted from taxation if the house is sold goes from $500,000 to $250,000. (It can, however, move back up to $500,000 in the future if the home-owning spouse remarries. Consult your tax advisor.)

Most financial advisors suggest that the best approach is to sell the home while the large taxable gains exclusion remains. More to the point, don't let yourself be stuck with an asset that exceeds your needs in size and your finances in cost. It is extremely helpful to discuss this with a trusted advisor. For more information call Maureen at 622-2565 and visit her website at ***www.maureenmason.com.***

Maureen Mason is a Realtor®
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Executive Committee Formation... VC, IB "Angels All"

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SATURDAY, DECEMBER 18TH 9 a.m. to 2 p.m. 2 NE on San Carlos @ Camino Del Monte (1 block north of Fourth). 12/17

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'83 MERCEDEZ BENZ 350 SL It was for sale in Carmel-by-the-Sea on Ocean Ave. Please call (510) 223-8915. 12/17

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IT'S A MINI EXTRAVAGANZA at Carmel Dollhouse and Miniatures! 306 Mid Valley Shopping Center (near the coffee roasting company). New shipment of dollhouses and miniatures for the holidays. Also, lighthouses, firehouses, log cabin kits, horses and stables, hand-painted porcelains from Germany, glassware, mini-foods, and much, much more! Hours: 10 a.m. to 5 p.m. Tuesday through Friday; 10 a.m. to 4 p.m. Saturday; 10 a.m. to 3 p.m. Sunday. Closed Mondays. Where the magic begins . . . (831) 622-7171.

JOIN US FOR A HOLIDAY HAPPY HOUR! **The Carmel Fire Belles** are turning out in full force for their final calendar signing. **Where:** Il Fornaio, Ocean Avenue between Lincoln and Monte Verde. **When:** Dec. 17, 5 to 7 p.m. Calendars available at Adam Fox, Carmel Drug, The Treadmill and Nielsen Bros.

VERNA TEST PARSONS of Carmel will present **"Christmas at Home"** at 2 p.m. Monday, Dec. 20, at the Carmel Woman's Club, Ninth and San Carlos, Carmel-by-the-Sea. Verna, an artist, gardener, hostess and art history teacher, will display her decorations and home entertaining treasures to members and guests. She will demonstrate many interesting and unique decorating and entertaining ideas for the holidays. Tea and sandwiches will be served following the meeting. The public is invited to attend. Admission is $3. Contact (831) 622-7412 for additional information.

SANTA'S WORKSHOP, located between Chico's and Champ's Sports in Del Monte Center, Monterey, presents a "charity gift wrap" from 10 a.m. to 8 p.m. daily until Dec. 23, and 10 a.m. to 6 p.m. on Dec. 24, so Santa can leave early to start delivering presents around the world. During this event, a variety of local nonprofits will wrap purchases for a suggested donation to their organization. Children are welcome to visit Santa and receive a

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www.carmelpinecone.com

NOTICE TO READERS: California law requires that contractors taking jobs that total $500 or more (labor or materials) be licensed by the Contractors State License Board. State law also requires that contractors include their license number on all advertising. You can check the status of your licensed contractor at www.cslb.ca.gov or 800-321-CSLB. Unlicensed contractors taking jobs that total less than $500 must state in their advertisements that they are not licensed by the Contractors State License Board. The PUBLIC UTILITIES COMMISSION requires household movers to include their PUC license number in their ads. Contact the PUC at (800) 877-8867.

From previous page

special treat. Digital photo packages are available for purchase, which can include photos on disc, prints of all sizes, frames and accessories.

PEACHES STUDIO of working artists will hold a public reception with refreshments from 6 to 9 tonight, Friday, Dec. 17, at the gallery in San Carlos Square (east side of San Carlos between Fifth and Sixth), Carmel-by-the-Sea. All are welcome. Meet artists **Boban Burak, Dianna Holubec-McArthur, Tina Roberts, Vincenzo d'Amica** and greeter **Edie Roberts**, distinguished Boston terrier.

DON AND JACKIE CRAGHEAD invite you to their **annual open house**, 4 to 8 p.m. Wednesday, Dec. 22. It will take place at their gallery, D.E. Craghead Fine Art Gallery, Sixth and Dolores, Carmel-by-the-Sea. Please bring a nonperishable food item for the Salvation Army. Information: call (831) 624-5054.

2004 WINTER SOLSTICE LABYRINTH WALK is slated for 5 to 8 p.m. Tuesday, Dec. 21, at the permanent outdoor labyrinth at the Community Church of the Monterey Peninsula, one mile east of Highway 1 off Carmel Valley Road. An invocation will be offered at 5 p.m. during this, the shortest day of the year, a time of gathering and celebration. Information: call (831) 624-2150.

BUDDY

From page 22A

pany took the critically acclaimed show on the road, and he had hoped to continue wearing it through the production at the Golden Bough set to end New Year's Eve.

"We're holding the show over through mid-January, so that gives us a couple more weeks to find that jacket," he said. Anyone with a tip leading to the recovery of Moorer's coat will certainly end up in his good graces, perhaps receiving tickets to one of the "Buddy" performances on Thursday, Friday and Saturday nights and Sunday matinees through Jan. 16.

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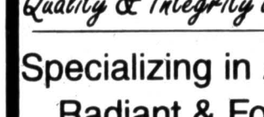
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PHOTO/COURTESY RON JAMES

Experience 'A Symphony Christmas in Carmel' this weekend

THE MONTEREY Symphony presents a holiday celebration replete with music, dance and actors in full costume at 8 p.m. Saturday and 2 p.m. Sunday, Dec. 18-19, in Sunset Theater, San Carlos at Ninth, Carmel-by-the-Sea.

Traditional holiday favorites will be teamed with classical compositions, as well as dramatic lighting and audio effects. Tickets range in price from $23 to $53, and may be ordered by calling (831) 624-8511, 9 a.m. to 5 p.m. weekdays.

Holiday Worship

Celebrate the season with family & friends!

St. Philip's Lutheran Church

Christmas Eve Candlelight & Carols
Friday, December 24th
7:00 pm
8065 Carmel Valley Road
4 miles east of Highway 1
(831) 624-6765

St. Dunstan's Episcopal Church
ROBINSON CANYON ROAD, MID CARMEL VALLEY

Sunday, Dec. 19 – Eucharist, Rite 1 • 8 am
Sunday, Dec. 19 – Lessons and Carols, Eucharist • 10 am
Friday, Dec. 24 – Family Christmas Eucharist and Children's Pageant • 4 pm
Friday, Dec. 24 – Christmas Eve Choral Eucharist • 9 pm
Saturday, Dec. 25 – Christmas Day Eucharist • 10 am

THE CHURCH OF THE WAYFARER
A UNITED METHODIST CHURCH
Carmel's Neighborhood Church for 100 years

Christmas Eve Worship Services:

6 PM – Candlelight Family Worship *with the Wayfarer Children's Choir*
8 PM – Candlelight Worship Service *with the Wayfarer Sanctuary Choir*
11 PM – Candlelight Worship Service *Guest soloist: Myles Williams*

Loving childcare will be available at the 6:00 PM service.

Rev. Dr. Norman G. Mowery, Pastor
Corner of Lincoln & 7th, Carmel-by-the-Sea
(831) 624-3550 • *www.churchofthewayfarer.com*

Our Lady of Mount Carmel Church
9 El Caminito Rd.,
Carmel Valley Village
(831) 659-2224

Fri., Christmas Eve, Dec. 24th ~
Children's Mass 4:00 p.m.
Sat., Christmas Day, Dec. 25th ~
Midnight Mass 12:00 a.m.
Sat., Christmas Day, Dec. 25th ~
9:00 a.m. and 11:00 a.m.

St. Angela Church
Holiday Schedule ~ 2004

Christmas Eve ~ Masses: 4:00pm and 8:00pm
(Concert of Christmas Music ~ 7:30pm)
Christmas Day ~ Masses: 8:00am, 10:00am, 12 noon
Reconciliation: 2:00pm (Vietnamese)
Mass: 3:00pm (Vietnamese)
New Year's Eve ~ Masses: 8:00am, 12:10pm
New Year's Day ~ Mass: 8:00am *(Note: 1 Mass only)*
362 Lighthouse Ave., Pacific Grove • (831) 655-4160

Christmas 2004

Sunday, December 19, 2004
• Lessons and Carols 7:00 pm
Thursday, December 23, 2004
• 7:00 pm *(No 5:30 pm Mass)*
Friday, December 24, 2004
(No 7:00 am or 12:00 noon Masses today)
• Christmas Vigil Masses 4:00 pm 5:30 pm
• Solemn Midnight Mass 12:00 midnight
Saturday, December 25, 2004
• Christmas Day Masses 7:00 am, 8:00 am, 9:30 am, 11:00 am, 12:30 pm
(No 5:30 pm Mass or confessions today)
Sunday, December 26, 2004
• Feast of the Holy Family 7:00 am, 8:00 am, 9:30 am, 11:00 am, 12:30 pm
(No 5:30 pm Mass or confessions today)
Saturday, January 1, 2005
• Feast of Mary, Mother of God
(Not a Holy Day of Obligation)
• Masses in the Basilica 12:00 noon
(No 7:00 am Mass today)
• Vigil Mass 5:30 pm
• Confessions: Blessed Sacrament Chapel 4:00 pm to 5:00 pm
Sunday, January 2, 2005
• The Epiphany of the Lord 7:00 am, 8:00 am, 8:30 am, 11:00 am, 12:30 pm, 5:30 pm

CARMEL MISSION BASILICA
Carmel Mission Basilica
3000 Rio Rd., Carmel
831.624.1271

All Saints Episcopal Church

~ Christmas Eve ~
5 pm – Family Service
~ Christmas Eve ~
10 pm - Traditional Singing of Carols
10:30 pm - "Christmas Mass"
~ Christmas Day ~
10:30 am - Holy Communion
Dolores between 9th & 10th, Carmel
(831) 624-3883

"Oh, Come All Ye Faithful"

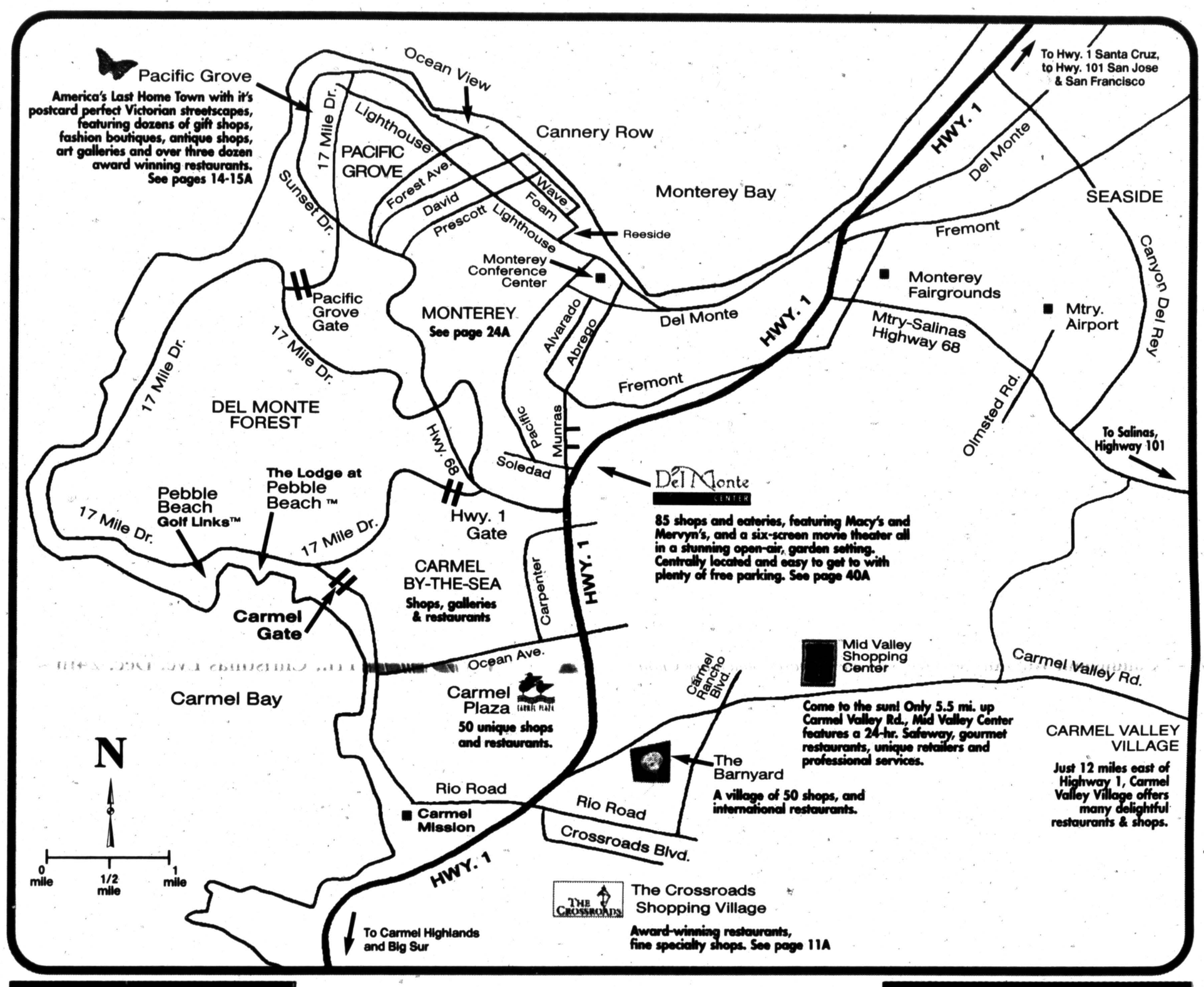
Join us for Christmas Eve Services:
5:00 pm (Family-Oriented Service) • 8 pm & 10 pm
Carmel Presbyterian Chuch
Corner of Ocean & Junipero, Carmel 624-3878

The Carmel Pine Cone

This Week

Arts & Entertainment · December 17 - 23, 2004

Carmel · Pebble Beach · Carmel Valley & The Monterey Peninsula


Pacific Grove
America's Last Home Town with it's postcard perfect Victorian streetscapes, featuring dozens of gift shops, fashion boutiques, antique shops, art galleries and over three dozen award winning restaurants. See pages 14-15A
Ocean View
17 Mile Dr.
Lighthouse
PACIFIC GROVE
Forest Ave.
David
Prescott
Wave
Foam
Cannery Row
Monterey Bay
Reeside
Sunset Dr.
Monterey Conference Center
Pacific Grove Gate
MONTEREY
See page 24A
Alvarado
Abrego
Del Monte
HWY. 1
To Hwy. 1 Santa Cruz, to Hwy. 101 San Jose & San Francisco
Del Monte
SEASIDE
Fremont
Canyon Del Rey
Monterey Fairgrounds
Mtry. Airport
Mtry-Salinas Highway 68
Olmsted Rd.
To Salinas, Highway 101
DEL MONTE FOREST
17 Mile Dr.
Hwy. 68
Pacific
Munras
Soledad
Del Monte CENTER
85 shops and eateries, featuring Macy's and Mervyn's, and a six-screen movie theater all in a stunning open-air, garden setting. Centrally located and easy to get to with plenty of free parking. See page 40A
The Lodge at Pebble Beach ™
Pebble Beach Golf Links™
Hwy. 1 Gate
Carmel Gate
CARMEL BY-THE-SEA
Shops, galleries & restaurants
Carpenter
Ocean Ave.
Carmel Bay
Carmel Plaza
50 unique shops and restaurants.
Mid Valley Shopping Center
Carmel Rancho Blvd.
Carmel Valley Rd.
Come to the sun! Only 5.5 mi. up Carmel Valley Rd., Mid Valley Center features a 24-hr. Safeway, gourmet restaurants, unique retailers and professional services.
CARMEL VALLEY VILLAGE
Just 12 miles east of Highway 1, Carmel Valley Village offers many delightful restaurants & shops.
The Barnyard
A village of 50 shops, and international restaurants.
Rio Road
Carmel Mission
Crossroads Blvd.
N
0 mile
1/2 mile
1 mile
The Crossroads Shopping Village
Award-winning restaurants, fine specialty shops. See page 11A
To Carmel Highlands and Big Sur

CARMEL-BY-THE-SEA
STEPHEN HUNECK GALLERY
presents their
GRAND OPENING
December 17, 18, 19
(831) 620-0369

MONTEREY
BALLET FANTASQUE
presents
NUTCRACKER
December 18 & 19
(831) 372-0388

CARMEL-BY-THE-SEA
CHILDREN'S EXPERIMENTAL THEATRE
presents
"Little Angels Rest" & "Angels in Flight"
thru December 19
See page 32A

CARMEL-BY-THE-SEA
CASANOVA RESTAURANT
invites you to a
HOLIDAY OPEN HOUSE
December 19
See page 37A

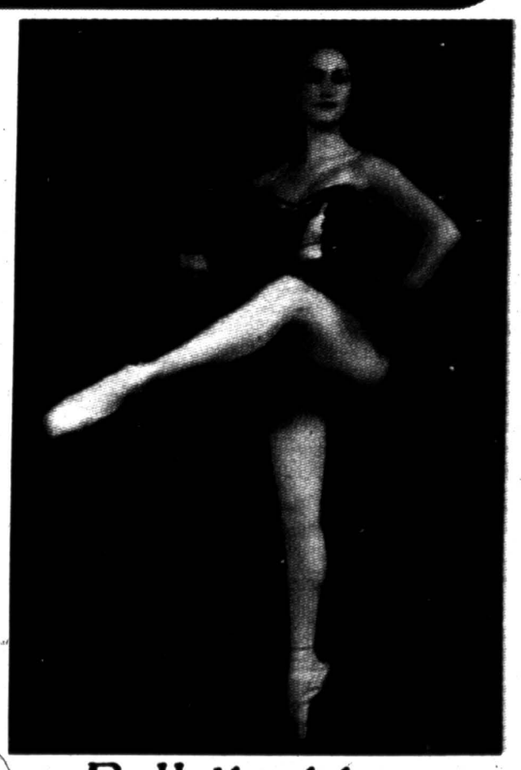
CARMEL-BY-THE-SEA
PAC REP THEATRE
presents
"BUDDY — the Tribute Concert"
Thru Jan. 16
See page 32A

a cappella superstars

WHAT: Chanticleer, the internationally acclaimed 12-man a cappella vocal ensemble, perform "A Chanticleer Christmas"
WHEN: 6 and 8:30 p.m. Thursday, Dec. 23
WHERE: Carmel Mission Basilica, Rio Road, Carmel
COST: Single tickets are $42 and $37 for reserved sections; $25 general seating
INFO/RESERVATIONS: Online at www.chanticleer.org; or call (800) 407-1400

Take a gander

WHAT: Marylee Sunseri performs "Old Fashioned Songs and Tales," a Christmas concert for young children sponsored by Children's Experimental Theatre
WHEN: 10:30 a.m. and 6 p.m. Tuesday, Dec. 21
WHERE: Indoor Forest Theatre, Mountain View and Santa Rita, Carmel-by-the-Sea
COST: $7; babies 0-12 months free
RESERVATIONS: (831) 624-1531



Balletic visions

WHAT: Kalina Taffany appears in the Ballet Fantasque staging of that holiday classic, "The Nutcracker." This full-length production features a cast of more than 50.
WHEN: 2 p.m. and 7 p.m. Saturday, Dec. 18; 2 p.m. Sunday, Dec. 19
WHERE: Santa Catalina School Performing Arts Center, Mark Thomas Drive, Monterey
COST: $18 adults; $15 military, seniors and students; $12 children 12 and under
INFO/RESERVATIONS: (831) 372-0388

Dining Around the Peninsula

CARMEL
Bouchée 35A
Carmel Chop House 33A
Casanova 37A
Chianti at The Crossroads 36A
Christopher's on Lincoln .. 36A
da Giovanni 33A
Em Le's 34A
Flaherty's 34A
Fourth Ave. Pasta 37A
Grasings 33A
Hog's Breath 6A
Sushi Heaven 35A

CARMEL HIGHLANDS
Pacific's Edge at Highlands Inn ..... 34 & 37A

CARMEL VALLEY & MOUTH OF THE VALLEY
Adrian's 2A
Bistro 211 ..... 35A
Village Fish House 34A

PACIFIC GROVE
Fandango 14A
Fishwife 33A
Max's Grill 15A

MONTEREY
Cabo's 36A
Isabella's at Wharfside ... 36A
Monterey Fish House ... 34A
Monterey Joe's 37A
Old Fisherman's Grotto ... 36A
Siamese Bay 24A
Stokes 24A
Turtle Bay Taqueria 33A

SEASIDE
Fishwife 33A
Turtle Bay Taqueria 33A

Impressive homage to distinctive local homes

BAY AREA STYLE: San Francisco Bay Region Houses is a beautifully produced book of distinctive homes designed by luminaries in the architectural field.

These homes are situated in some of the most dramatic, romantic spots in America, drawing frequently from the California Craftsman style. Using natural materials, such as river stone and redwood, the finished homes blend and harmonize with nature itself.

Among the Bernard Maybeck and Julia Morgan homes are some right here in our own backyard, designed by **Nathaniel Owings, Mickey Muennig** and **Robinson Jeffers.**

Jeffers' hand-built **Tor House** on Carmel Point, was completed in 1919 and to which he added the *pièce de resistance* of **Hawk Tower** in 1925. The completed residence and adjunct surely must be one of the most personally unique homes on the California Coast.

Nathaniel Owings' **Wild Bird**, perched on a rocky cliff in Big Sur, is photographed in a stunning manner, using to the utmost light and shadow created by brilliant sunshine streaming through skylights and floor-to-ceiling windows. The views from each room and from terraces are breathtaking.

Mickey Muennig's **Partington Point House** in Big Sur is featured on the cover of this 207-page book published by Rizzoli International Publications, Inc. of New York. And with reason. Perched like a solemn bird on a promontory overlooking the vast Pacific, the two-story glass pavilion housing the living and dining areas seems to grow up out of the rocky cliff itself.

David Weingarten wrote the text and **Alan Weintraub** captured the exteriors and interiors of these remarkable houses in 150 color and black and white photographs. Twenty-nine architects are featured. This is an obvious choice as a Christmas gift. It retails for $50. Available at local bookshops.

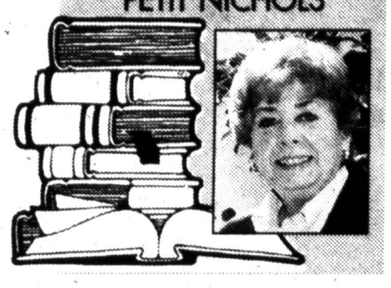
❒❒❒

AN EVENING of **Celtic and Christmas music** will be held in the East wing parlor of poet **Robinson Jeffers Tor House**, 26304 Ocean View Ave., Carmel Point, at 7 p.m. Saturday, Dec. 18. **Mary Clare Martin**, a local musician, will perform on the melodeons of Tor House they have three in the parlor, one in Una's room in Hawk Tower).

Please call Carol Dixon at (831) 624-1813 for reservations. Seating is very limited. There is a suggested donation of $10.

The Bookshelf

By MARGOT PETIT NICHOLS



❒❒❒

ARTIST/AUTHOR **Stephen Huneck** will be reading and signing his colorful children's dog books starring "Sally" at the Stephen Huneck Gallery on Ocean Avenue today, Dec. 17, and Saturday and Sunday. Also the editors of the national dog magazine, "Bark," will read from their book, "**Dog is My Co-Pilot,**" from 2 to 3 p.m. Sunday, Dec. 19. Call (831) 620-0369 for more information.

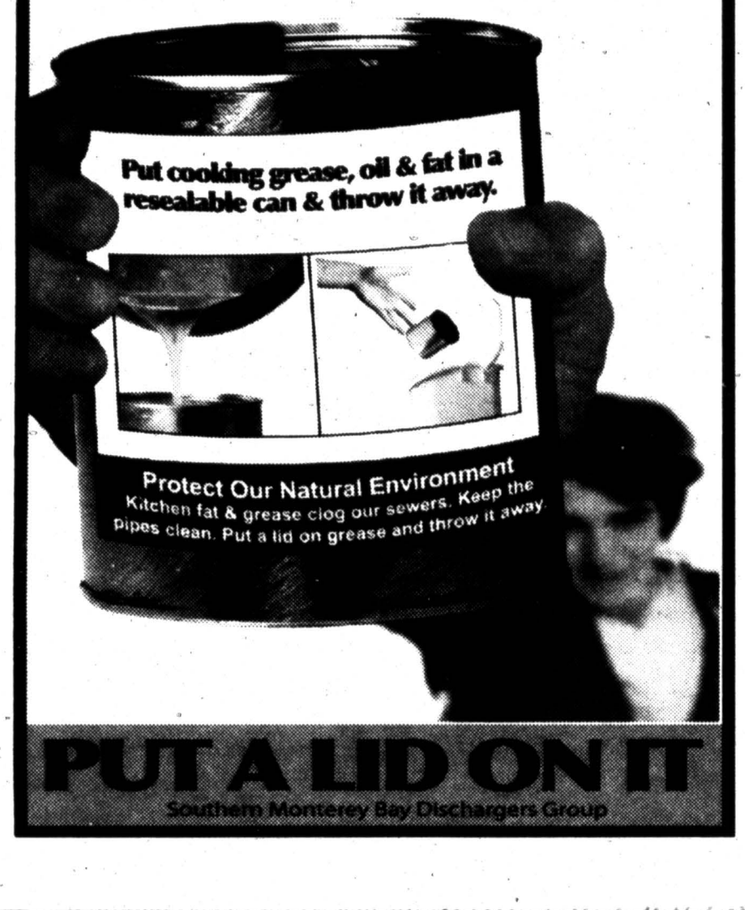
❒❒❒

LIBRARY NEWS: It will be a sad day next June when all three of the libraries in Salinas close — for lack of funds. It seems like science fiction, but they will indeed close.

Meanwhile, here on the Peninsula, libraries are getting by on limited resources by cutting staff and hours, and holding fundraisers. Donations help a great deal, too.

See ***BOOKSHELF*** *page 37A*

CHILDREN'S EXPERIMENTAL THEATER
presents
Little Angels Rest and Angels in Flight
THROUGH DECEMBER 19TH
Closing Weekend!
Thurs.-Sat., 8 p.m.
Sunday Matinee, 2:30 p.m.
Adults $16, Stu/Sr/Mil $12
Kids 12 and under $6
Wonderful Dickensian Christmas Fare!
INDOOR FOREST THEATRE
Tickets ~ 624-1531
www.cetstaffplayers.org

GREASE
We're over it

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The writing class continues. This quarter is focusing on emotions in writing. For further information call 624-1803.
6:30 pm in the Thunderbird Community Room ❖ FREE
SAT – DEC 18
ANIMAL SIGN LANGUAGE – Can your pets learn to sign to you? Find out about the signing horse and dog at AnimalSign Center. Founder/Teacher, **Sean Senechal** will talk about her new book, ***Teach Your Animal to (talk) Animalsign to You.*** Book and video will be available for purchase after the talk.
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SAT – DEC 25
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Food & Wine

Amuse bouche

By MARGOT PETIT NICHOLS

ABALONE COVE, newest restaurant in Carmel-by-the-Sea, will open around the first of the year. At 94 seats, this lunching and dining establishment is reached by descending below street level.

It's the former location of Akaoni Japanese restaurant and sushi bar at Dolores and Fifth.

And it's the first restaurant owned by chef **Jerome Fressinier**, originally from Cognac, France, who is well known about town as having been executive chef at the Holly Tree in Carmel Valley, *sous chef* at Club XIX, Anton & Michel, and Grasing's, and *chef tournant* at Quail Lodge.

The interior has been renovated to resemble a beach house — perhaps in the Caribbean — designed by Chef Jerome's wife, **Jill Fressinier**, an artist, who describes the restaurant as having "happy energy."

The Abalone Cove will have a beer and wine license, but to round out the family atmosphere, a soda fountain will be in evidence: The Fressinier's have two teenagers, Juliette, 13, and Jordan, 14.

Watch for the opening date. Abalone Cove's telephone number is (831) 620-0700.

ANOTHER NEW restaurant, **Tico's Breakfast and Lunch Restaurant**, is now doing business in the Marina town plaza at 330 Reservation Road, #C. **Silvia Herrera** is owner of Tico's and **Alberto Vasquez** is the chef. Chef Alberto was previously sous chef at Jeffrey's Grill in Carmel Valley for 12 years. Some of the breakfast and lunch specialties include Nova Scotia Benedict, wild mushroom omelet, fresh seafood omelet, Chinese chicken salad, grilled Reuben, ahi tuna, or salmon sandwich, and lots more. All desserts are homemade. Chef Alberto will accommodate special requests and diets. Call (831) 582-2509.

DINNER AND A MOVIE for just $19.95 is a guarantee of a happy evening at a happy price. Now the **Montrio Bistro** and **The New Osio Cinemas** in downtown Monterey have joined forces to present locals with this package deal: Choose your movie, call Montrio Bistro (831) 648-8880 to make your two-course dinner reservations (from the "Dinner and a Movie" menu), park once, and enjoy a great meal; collect your movie voucher then walk one short block to the Osio movie theater. Montrio's general manager **Dana Neikirk** says they'll even make your movie reservation for you.

The dinner includes your choice of five "small bites" (discussed with ecstatic fervor in this column several months ago following a special tasting of *all* the small bites), and four entrée selections (currently, a natural pork chop, rotisserie chicken Caesar salad, pan-roasted sea bream and dried tomato capellini pasta). Dessert and beverage are extra, so you might consider making a return visit to Montrio after the movie, suggests proprietor **Tony Tollner**, who reminds readers that the Dinner and a Movie is offered any Sunday through Thursday only, and drop-ins are welcome (keeping in mind the movie availability).

Gift certificates are available for singles to parties of eight. Montrio is located at 414 Calle Principal, Monterey.

CHRIS SHAKE, restaurateur extraordinaire, (The Shake family owns Old Fisherman's Grotto, The Fish Hopper, Cabo's and Isabella's) has organized a food drive with a twist: He's asking restaurant owners to ask their food vendors for donations to the **Salvation Army** or to purchase the food at cost and donate it themselves. This is a great and innovative idea. At the outset of this food drive, Chris advanced the premise to **Bill Nelson**, U.S. Foods rep, and Nelson came back with a donation of 25 cases of soup. He told Chris he could purchase another 50 cases of soup for donation at cost.

If you would like to contribute, drop off canned foods at the Salvation Army, 800 Scott St. (near California Street), Sand City, from 9 a.m. to 4:30 p.m. weekdays. For more information, e-mail Karen Rodriguez krodriguez@netpipe.com or call (831) 645-9124.

THE CULINARY CENTER OF MONTEREY is now a state **accredited vocational school**, as well as continuing its four year tradition of one-day classes for the general public and culinary mavens. The vocational school, located at 625 Cannery Row, Monterey, offers an eight month course of 1,400 hours in its comprehensive Culinary Arts program. The center's restaurant will open in early spring as a "training ground" with chefs-in-training working under the supervision of the instructors. As an aside, **Chef Mary Pagan** reports that local people, in search of a home chef, call the school asking for a student chef. The school is pleased to make recommendations, and if those inquiring can house the student while they're in training, all the better. Telephone (831) 333-2133 for information or e-mail info@culinarycenterofmonterey.-com, or check out the website at www.californiaculinaryschool.com.

OUR COUNTRY is becoming a nation of fatties. To reverse this trend, the Monterey County-based **Healthy Eating & Lifestyle Principles Organization (HELP)**, chaired by **Basil Mills**, has developed an in-school/after-

*See **AMUSE BOUCHE** next page*

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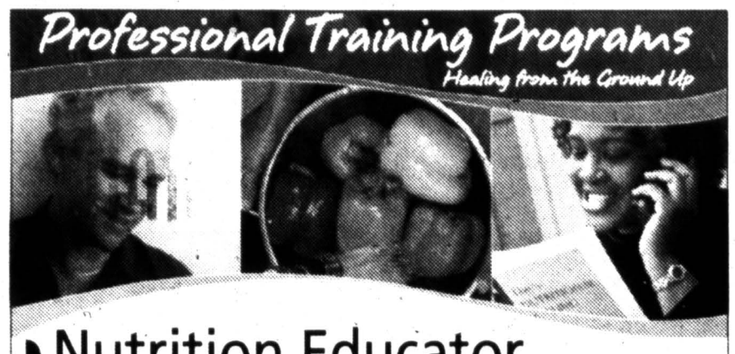
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Food & Wine

AMUSE BOUCHE

From previous page

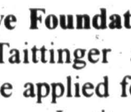
school "nutritional policy parity program" — healthy eating guidelines for regional schools. HELP is also addressing physical activity by partnering with the Big Sur International Marathon/Team USA's "Run USA Program" and CSUMB's Bay Farm to School Partnership Program.

HELP has received a $30,000 grant from the Children's Miracle Network of Salinas Valley Memorial Hospital, as well as a $15,000 grant from CHOMP, $3,460 from the Monterey Peninsula Sunrise Rotaries, and a start-up grant of $5,000 from the American Heart Association. **Kendra Howell**, director of the Children's Miracle Network said, "The problem of obesity and diabetes is a big health risk to young people today, and we believe HELP is a dynamic organization that will really address these issues and promote nutrition so kids in our community will grow up into healthy adults."

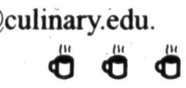
Hear, hear!

CASANOVA Restaurant, Fifth Avenue between San Carlos and Mission, is holding a **Christmas open house** with complimentary hors d'oeuvres and refreshments, from 3 to 5 p.m. on Sunday, Dec. 19. Entertainment, too.

A friendly community gesture.



ARE YOU a young woman who wants to pursue a **career in winemaking, wine studies or related culinary arts**? Scholarships, given in the form of two annual $2,000 awards by **Le Rêve Foundation** — funded by Champagne Taittinger and Domaine Carneros — can be applied for through UC Davis or the Culinary Institute of America. For UC Davis, the scholarship is to be awarded to a female food service professional who is pursuing a graduate degree in viticulture and enology. Applications should be made to James Wolpert, Dept. of Viticulture & Enology, University of California, Davis, CA 95616. The culinary Institute of America (CIA), should be contacted by e-mail: ciaprochef@culinary.edu.

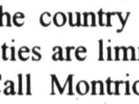


FEATURED WINERIES at the 19th annual **Masters of Food & Wine** — Feb. 17 to 20, 2005 — at the Highlands Inn Park Hyatt Carmel, will be: **Bond Estate, Château Lafite Rothschild, Domaine Sere, C.H. Henshke, Jorge Ordonez Fine Estates from Spain, Moët Chandon, Dom Perignon, Pisoni, Peter Michael Winery** and **Bouchard Pére & Fils.**

Celebrated chefs and more than 50 top producing wineries from around the world will gather at the Highlands Inn for one of the most significant culinary events of the year. Besides gala lunches, dinners, cooking demonstrations and wine tastings, a highlight of the annual event is the Rarities Dinner — which pairs an eight-course meal with rare vintages served in a private home with spectacular oceanfront setting. Events are individually priced, starting at $100, and are open to one and all.

For reservations, more info or to receive a full-color brochure, call (800) 401-1009. To view highlights from last year's event, visit www.mfandw.com.

CHEF TONY BAKER at Montrio Bistro is making his authentic English **Christmas plum puddings** again — from his mum's recipe. He's baking the 1-1/2 pound sweet in reusable English-made pottery pudding basins for $24.50. Each pudding serves six to eight guests. A brandy butter recipe is included with each pudding as well as serving instructions. Order yours, and pick it up on Dec. 17, or have it shipped anywhere in the country for an additional charge. Quantities are limited and pre-order is required. Call Montrio Bistro at (831) 648-8880 or e-mail chef@montrio.com.



MORE HOME made Christmas treats are available at **Baum & Blume**, No. 4 El Caminito Road, Carmel Valley Village: Artisan chocolate Santas and teddy bears, Italian *panforte* and fruitcake (housemade), and plum puddings with brandy hard sauce. A complete Southern-style Christmas dinner-to-go can be ordered until Dec. 20. Call (831) 659-0400.

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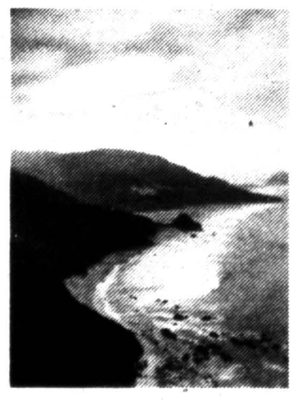

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Food & Wine

From previous page

AND NOW for the final **wine tastings** of the year at **Rancho Cellars Fine Wine Merchants' Cépage Wine Bar**: On Saturday, Dec. 18, there will be a **Tudor 2000 Santa Lucia Highlands Pinot Noir** *complimentary* wine tasting from noon to 4 p.m.; a **Tête de Cuvée eight-course dinner** paired to eight wines at the Melac residence, for 12 people only, at a cost of $250 per person, on Tuesday, Dec. 21, with reservations; and the **2004 Grand Finale** tasting at 6 p.m. sharp Tuesday, Dec. 28, for $40, with wines to be announced. RSVP to 625-5646. Rancho Cellars is located at 26340 Carmel Rancho Blvd., Carmel.

JOEL BURNSTEIN'S Rhône-style **Marilyn Remark Grenache** wine has been selected by Wine Enthusiast Magazine's "Top 100" 2004's best wines. Only 228 cases of this wine were produced from fruit off Monterey's Wild Horse Road Vineyard. More honors won: "Best of Show" out of thousands of entries at the L.A. County Fair Competition; an "Outstanding" rating of 91 points by Wine Spectator magazine. For information, call (831) 455-9310,

CHEF MATTHEW MILLEA, formerly exec chef of Ventana Inn and sous chef at Bernardus Lodge, is now executive chef of the **organic kitchen at Earthbound Farm Stand**, Carmel Valley. "This is a chef's dream job," Millea said. "Ask any great chef what matters most in great cuisine and they'll tell you it's having the freshest, best product to work with. It has nothing to do with fancy décor and white table cloths."

Millea looks forward to pioneering in the country's third certified organic kitchen. But "it's the only one where the chef can run outside and grab some of the best organic produce available," he said.

Chef Millea has already added some innovative recipes to his kitchen products (all available for take-out): Farm Stand herb-grilled chicken breast with spiced savory persimmon pudding; garden thyme slow-braised short ribs with cardoon gratin, Moroccan spice-rubbed pork loin with carrot /currant couscous, and roasted winter squash and shiitake mushroom risotto with braised Tuscan kale. Top that!

YOGURT provides a lot of essential nutrients but doesn't provide a lot of calories — so the **California Milk Advisory Board** tells us. Also, it's an excellent source of calcium and is readily absorbed. It contains a variety of active cultures which aid in digestion and maintain optimal gastrointestinal health; if you're lactose intolerant, yogurt contains lower amounts of lactose than milk; it's an excellent source of high-quality protein and potassium.

And just to get you started, here's are two recipes created by the CMAB:

Mediterranean Yogurt Dip

1 cup plain low-fat yogurt
3 tbsp. shredded Parmesan cheese
2 tbsp. chopped fresh basil
1 tbsp. finely chopped oil-packed sun dried tomatoes
1/2 tsp. garlic salt
1/4 tsp. sugar

Stir together all ingredients in a medium bowl. Cover and chill for at least 1 hour for flavors to blend.

And here's another. Follow the same mixing instructions as above:

Cilantro Lime Yogurt Dip

1 cup plain low-fat yogurt
2 tbsp. chopped cilantro
1 tbsp. thinly sliced green onion tops
1 tbsp. fresh lime juice
3/4 tsp. lime zest
1/2 tsp. sugar
1/4 tsp. salt

PHOTO COURTESY CALIFORNIA MILK ADVISORY BOARD

This Mediterranean yogurt dip is Christmas colorful with green basil and red tomatoes.

*See **DINING** next page*

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Food & Wine

DINING

From previous page

CULLED FROM "The Monterey Grapevine" newsletter of **A Taste of Monterey** wine tasting facility on Cannery Row, Monterey —

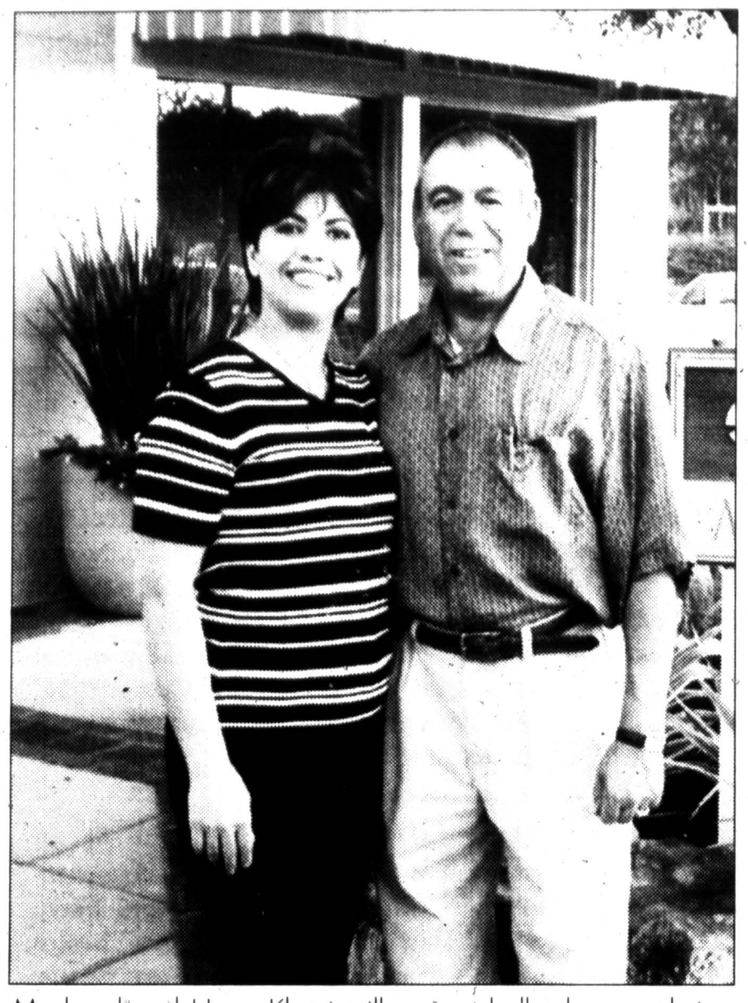
Salmon Mousse recipe

"The ultimate holiday appetizer"

4 ozs. smoked salmon
2 tbsps. heavy cream
1 8-oz. package cream cheese
Juice of half a softened lemon
Dried or fresh chopped dill weed to taste
Salt and pepper to taste
1 oz. salmon roe (optional)

In a blender or food processor, blend to desired consistency smoked salmon until smooth. Mix in heavy cream, cream cheese, lemon juice, dill, s & p. Transfer to medium serving dish and garnish with salmon roe if desired. Spread on dark bread or crudités of vegetables.

HUSBAND & WIFE restaurateurs, **Masheed and Harry Khani**, new owners of **Cafe Stravaganza Mediterranean Cuisine** at 241 The Crossroads, Carmel, have added belly dancers to their menu of delights: Tonight, Friday, Dec. 17, dancing will take place from 6:30 to 8 during dinner. This should be fun!



Masheed and Harry Khani will present belly dancers during the dinner hours at Cafe Stravaganza on Friday, Dec. 17.

PARAISO VINEYARD's 2001 "Wedding Hill" Syrah was among Wine Enthusiast Magazine's "Top 100 Wines of 2004" from thousands of possibilities. **Winemaker David Fleming** crafted fewer than 200 cases of this wine, drawing upon Syrah grapes from the uppermost portion of the Paraiso estate. The "Wedding Hill" designation refers to a site for **Smith family** nuptials and get togethers — owners of Paraiso Vineyards. The 2001 Wedding Hill Syrah retails for $45 and is available at the Paraiso tasting room and online at ParaisoVineyards.com.

Early Spanish explorers named the mountainside Paraiso because they likened it to heaven, according to the Smith family who have lived on the 400-acre estate for three decades. With its neighbors, **Pisoni** and **Mer Soleil**, the vineyards anchor the southern end of of the rugged Santa Lucia Highlands appellation.

BISTRO 211, Carmel Crossroads, is offering another of its feasts, this time for **New Year's Eve**. A four-course dinner will commence with butternut squash soup and fresh greens with caramelized Bermuda onions, apples and blue cheese. A choice of entrées follows with roast quail, grilled fresh sturgeon or roast filet mignon, and then a dessert of white amaretto chocolate mousse with fresh berries, and coffee. For $49 per person. Call for reservations: (831) 625-3030.

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Cannelloni Di Prosciutto Cotto al Forno
"Homemade Baked Cannelloni"
Spaghetti Polpette
Lean ground beef meatballs with tomato sauce
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New Year's Eve
December 31, 2004
It's that time to celebrate the end of this year and welcome in another.
We will offer a feast of Food & Wine this evening serving this special dinner
MENU
Butternut squash soup
Fresh greens with caramelized Bermuda onions, apples & blue cheese
~ Choices of Entrees ~
Roast quail stuffed with chicken mousseline served over with sun dried cherries in port wine sauce
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~ Dessert ~
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January 1, 2005
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Orders must be placed by Dec. 20th - 659-0400
THE MENU
Sarapico Stuffed Shrimp
Bourbon Chicken Liver Paté
Galatoire's Oysters Rockefeller
Warm Artichoke Dip
Stuffed Celery Baton Rouge
Creamy Corn Bisque
Rosemary Cheese Biscuits
Red & Green Salad w/Tangy Cranberry Dressing
Herb-Roasted Capon with Andouille Sausage Dressing
Creole Spiced Loin of Pork with Creamy Grits Casserole
Roasted Leg of Lamb with New Potatoes & Artichokes
Brussels Sprouts Piquante
Sweet Potatoes w/Pecans & Orange
Baked Celery Almondine
Spicy Corn Relish • Apricot-Cherry Chutney
Natchez Coconut Bread Pudding w/Cocoa Sauce
Di's Sweet Potato Pie w/Chantilly Creme
Apple, Date & Cranberry Mince Tart

Food & Wine

CET

From page 27A

When Mr. Hollowbody (Richard Saylor) and Councilor Upchurch (John Affinito) come to inspect the books and the operation, two orphans, Jibbett and Lissie, played winningly by Kenna Lindsay and Colette Hamwey respectively, disgrace themselves. Lissie looks at Hollowbody with eyes that show too much, and both are thrown into the cellar. As luck would have it, though, it is coal-delivery day, and the coal boy leaves the cellar window open at the top of the fresh mountain of coal. Jibbett persuades Lissie to climb the coal with her and flee, and so they do.

The next scene is as enchanting as the first is bleak. The runaways stumble into the toy shop of Cornelius von Bittenburn (Jeff Hudelson), an endearing, elderly doll maker. Thanks to the costuming of Adrienne Wellisch and the expert acting of the dolls, the scene is glorious. All the dolls must stay stock still for long periods of time and then display their mechanisms when Bittenburn turns them on. When he leaves and the dolls come alive for the two orphans hiding under a table, they manage to remain in character but interact with the children in a most convincing way. Gabriel Osuna as Jack out-of-his-box is a wonder, his body remaining absolutely limp until another character manipulates him, his body responding to the pulls and prods exactly as a rag doll would.

Thanks to the magic mirror of the gypsy doll, which reveals a gazer's true self and freezes him or her in shock if the sight is unwelcome, the dolls are able to march to the orphanage; freeze Gouge and Orpslatt in their tracks and free the remaining orphans.

In the second one-act, "Angels in Flight," Hovick gives us, through a clever time-warp, the chance to see what became of Jibbett and Lissie when they grew up. Jibbett has become Lady Macleish who lives in the country with daughters of her own, and Lissie remains her good friend who visits every Christmas. The street urchins who saw the dolls alive and watched them free the orphans are still their young selves, however, and one of them, Little Fish, played very well by Jared Lieb-Miller, is in need of rescuing himself when it slips out that he saw the escape. He is whisked away from the city into the country with his friends Toad (Julian Brown) and Old Billie (Zack Cohan). There the three boys come upon Lady Macleish's house and are disguised as girls when Hollowbody and Upchurch follow them there. The magic mirror, which Lady Macleish still has, shows the two men their true, mean-spirited selves and renders them harmless. In the process, Lissie accidentally turns the mirror on the audience and fears some of us might be frozen. Jibbett points out that it's too dark to tell, and they will simply have to wait till morning to see if any of us remain, horrified by our true natures. They trust not and wish us a Merry Christmas.

So strong is the spell cast by Hovick's tale and the wonderful rendering of it, that this reviewer walked out into the December twilight in her own time warp, remembering her childhood in the neighborhood of the Forest Theatre. The plays continue through Dec. 19, Friday and Saturday at 8 p.m. and Sunday at 2:30 p.m.

Bookshelf

From page 32A

Monterey Public Library, as of Jan. 8, 2005, will open on Saturdays at 1 p.m. instead of 10 a.m. This is the only public library in Monterey County that still manages to remain open seven days a week.

The **Carmel Public Library Foundation** announced this week it is the recipient of grants from Target Stores and Monterey Peninsula Volunteer Services. The Target grant will fund Harrison Memorial Library's summer reading program, and the Volunteer Services grant will purchase much needed shelves in the Youth Services department of the library's Park Branch.

Friends of Pacific Grove Library received a grant from the Yellow Brick Road and another from Target to be used toward the children's reading program.

❒❒❒

BACK AGAIN, author **Sean Senechal**, who wrote **"Teach Your Animal to Animal Sign,"** will discuss and sign her book at 7 p.m., Saturday, Dec. 18, at The Thunderbird Bookshop, The Barnyard, Carmel. For information, call 624-1803.

❒❒❒

A WRITING GROUP that began a year ago and has continued meeting twice monthly since, might be looking for a few new members. **Diane Grindol,** author and co-author of four books, tells us the group begins each meeting with eight minutes of free writing, then each reads something prepared for the group. Unlike many writing groups that deal in negatives, this nice bunch of writers only feeds back positive thoughts supportive of each member. If interested, call Diane at (831) 642-0514.

❒❒❒

LEFT COAST CRIME will take place Feb. 24 - 27, 2005, in El Paso, Texas. This will be the 15th annual crime-a-thon for **crime writers and fans**. International guest of honor will be Paco Ignacio Taibo II; guest of honor, S. J. Rozan; ghost of honor, Davis Dresser. For information and registration, go to www.leftcoastcrime2005.com.

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OPINION

Editorial

The careful firemen

THE MEN who inhabit Carmel's firehouse may have shown poor judgment when they let a bunch of middle-aged ladies pose half-naked on one of their fire engines.

So horrible was this offense, apparently, the city won't even take the $45,000 the Calendar Girls raised — money they hoped would be used to make the fire station earthquake proof.

But if the firemen can't be trusted to monitor the dress code for visitors to their office, they showed last week they are experts at protecting the homes of the people they serve, not only from fires, but from excessive, and possibly very damaging, firefighting techniques.

Responding to a 911 call Wednesday morning from construction workers at a nearly finished home on Hatton Road, firefighters from the Cypress Fire Protection District, Carmel Fire Department and Carmel Valley found smoke drifting from a large section of the wood shake roof, but flames weren't visible anywhere. There was obviously a fire in the rafters or inside one of the walls. But where?

Immediately, one crew of firemen climbed to the roof, where they began scanning hidden spaces with a thermal imager. They also felt the shakes with their hands for hot spots. The fire didn't seem widespread. But it could not be located.

Inside, another crew continued to search — thermal imaging the walls and touching the sheet rock. They also had trouble locating the heat's source. Meanwhile, the smoke grew more intense.

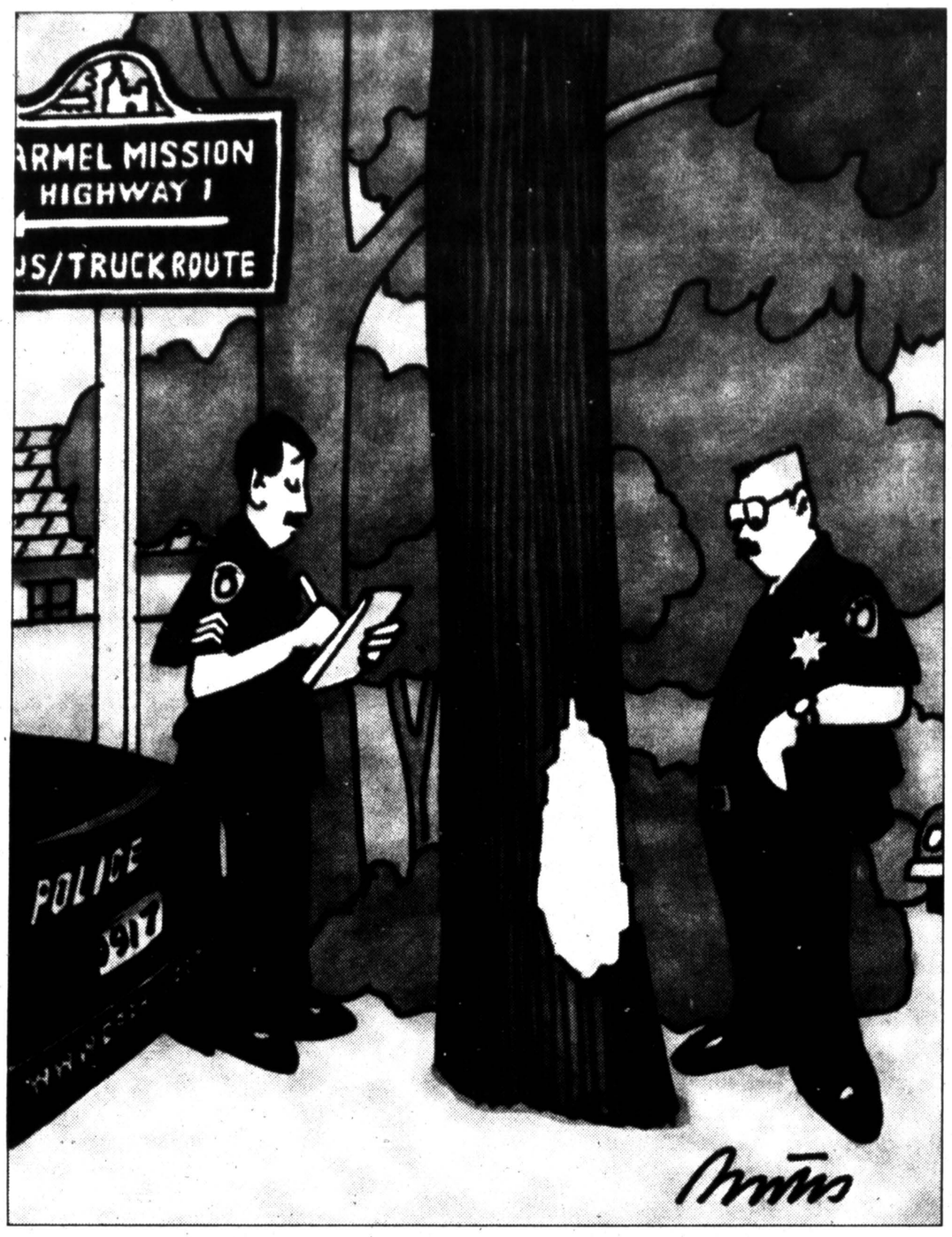
At this point, concerned the fire could be growing in some hidden spot behind the walls, the firemen were tempted to start cutting holes. But the incident commander, Dennis Carreiro, hesitated. "You don't want to cause $100,000 worth of damage, but you can't let the fire get out of control, either," he said.

While the firemen searched, they also helped the construction crew move furniture out of the way and cover brand new floors to minimize damage.

After waiting as long as he could, Carreiro gave the men on the roof the order to open it up at the spot where the heat was greatest. Carefully, they cut the smallest hole they could to get at what they believed was the source of the fire. Another hole was cut inside the house where two stone fireplaces were back to back. Finally, the fire was located in a very difficult spot — between the fireplaces. They took care not to use more water than necessary to put it out.

During all this, the owner of the property was somewhere else. He had to be upset when he heard his brand new home had been damaged by fire. But he should also be grateful the men who put out the fire cared so much about protecting his investment. And so should everybody who counts on the various fire departments of the Monterey Peninsula to protect them and their families.

BATES



"I'd say it's a 'hit and run.'

Letters to the Editor

'Very good news'

Dear Editor,

The draft Comprehensive Fiscal Analysis on Carmel Valley incorporation released this week contains very good news for our community. Its bottom line: that Carmel Valley is fiscally feasible to become its own town.

Indeed, to no one's surprise and in line with an earlier initial study, the fiscal analysis finds that the Town of Carmel Valley would run an annual budget surplus of about $2.5 million. By rule, Salinas will end up keeping some of this surplus as "alimony" for an agreed number of years, all of which will be negotiated in the next few months.

But the bottom line is very good news: There is no financial impediment to incorporation. The study puts the lie to the oft-whispered argument that incorporation would mean higher taxes. Not only does such an argument ignore current tax law which prevents this from happening, but it has now been shown to be fatuous based on the numbers alone. Importantly, the numbers used in the analysis are very conservative, boosting confidence in our robust fiscal viability.

It has now been proved by California's leading independent firm for such fiscal analyses that Carmel Valley can incorporate and provide a better level of service, while keeping all tax and fee rates at their current levels. Most important, our community would then gain control over development decisions, and have full accountability over the decision-makers in our town. No longer would we have large and inappropriate developments that despoil our rural character and open spaces shoved down our collective throat by county supervisors who are not accountable to our community in any way. Rarely does such a dry financial report provide such hope to a community.

Glenn E. Robinson, *president, Carmel Valley Association*

'Banana republic'

Dear Editor,

When did Carmel Views turn into a Banana Republic? I was shocked to hear the (alleged) president of the Carmel Views Residents Association, Robert Sinotte, warmly embrace the enormous expansion of the Safeway store (76% bigger!) in front of the Planning Commission. I couldn't imagine many of the residents of Carmel Views actually supporting the additional 2,100 car trips on our roads every day that the project will generate. This after Sinotte had already spoken in support of the proposed 280-house subdivision at Rancho Cañada and its

*See **LETTERS** next page*

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ADA

From page 1A

the suits to trial, and that he always claims to be have been injured at the businesses he sues, were cited by Rafeedie in his decision issued Dec. 9. Among other sharply worded accusations against Molski, Judge Rafeedie called the allegations in the lawsuits "contrived."

For example, Rafeedie noted that Molski claimed to have been injured in separate visits to Casa de Fruta in Hollister, Rapazzinni Winery and El 7 Mares Restaurant in Gilroy — all on May 20, 2003.

"The court is tempted to exclaim, 'What a lousy day!'" Rafeedie wrote. "It would be highly unusual for anyone to sustain two injuries, let alone three, in a single day, each of which necessitated the filing of a federal lawsuit. But in Molski's case, May 20, 2003, was just business as usual." [The complete text of the ruling begins on page 24A.]

And just two weeks later, Molski went through another allegedly painful, triple ordeal, claiming injuries on June 7, 2003, at Tarpy's Roadhouse on Highway 68, and at the Heller Estates and Georis Winery tasting rooms in Carmel Valley.

Similar claims have been made by Molski in hundreds of other lawsuits, according to the judge, "which leads this court to believe that the lawsuits were filed maliciously, in order to extort a cash settlement." The amount is typically $25,000 to $40,000, according to businesses owners who have been sued by Molski.

"They sued me for about $2 million, but told me I could settle for $34,000, and then they said I could make them an offer," said one business owner who didn't want to be named.

Rafeedie's ruling was immediately praised by numerous local attorneys and businessmen who have been besieged with ADA suits during the last five years.

"God bless that judge," said former Mayor Clint Eastwood. In 2000, he won a suit filed by a disabled woman who claimed there were access problems at Mission Ranch. "There's finally a judge who has the gumption to stop this criminal activity that's been going on for a long, long time."

"I'm thrilled that somebody with clout, somebody who can make a difference, sees these lawsuits for what they are," said Tony Tollner, owner of Tarpy's Roadhouse.

"When I heard about the ruling, I was just thrilled, and I thought it would be a card I could play," said Walter Georis, whose two businesses, Casanova Restaurant and Georis Winery, were sued by Molski this year. "But then I talked to two attorneys, and they both said the decision didn't really do anything for me, because I was sued before Judge Rafeedie made his ruling."

Monterey attorney Chuck Keller, who successfully defended Eastwood four years ago, called the Rafeedie ruling "courageous" but was cautious about its widespread applicability because, under California law, a disabled person who discovers ADA violations, however small, is entitled to sue for "not less than $4,000-a-day damages." It's up to Congress and the California Legislature to change handicapped-accessibility laws, Keller said. "They can't be changed in court."

But attorney Dan De Vries, another ADA specialist who represents three local businesses sued by Molski, was more optimistic. "I'm recommending to my clients that we take full advantage of this ruling," he said. On its face, Rafeedie's order applies only to new federal lawsuits filed in Los Angeles. But defendants in Monterey County might ask judges in the San Jose courthouse to also declare Molski a "vexatious litigant."

De Vries agreed with Rafeedie that Molski's claims of multiple, nearly identical injuries made them suspect on their face. But he said Molski had a good reason to file them.

Most businesses don't have insurance that protects them from ADA discrimination claims. "But if you're hurt, it might trigger coverage under ordinary business-liability insurance," De Vries pointed out, "which makes it easier to collect damages."

He also flatly predicted Molski would appeal Rafeedie's ruling. "If you're his attorney [Frankovich], you can't allow it to stand, because it would put you out of business."

Frankovich did not respond to calls seeking comment.

Meanwhile, the local businesses sued in the last six weeks are left trying to decide whether to settle or fight. Molski claims to have visited them in the fall of 2003, and all of the businesses had various impediments to wheelchair access, which Molski, who lives in Woodland Hills, says he requires because of a 1988 motorcycle accident.

Lugano and Robata, for example, which are located at The Barnyard Shopping Village, didn't have "the requisite number of disabled van-accessible parking stalls," according to the suit. Restrooms at both restaurants weren't handicapped-accessible, and Molski claims he injured himself trying to use them.

But Eastwood said he doubts Molski even visited all of the businesses. "You can't be 20 places at once," he said.

One of the business owners sued by Molski agreed. "The only evidence they have that he ever came in my restaurant is a credit card receipt," the man said. "It would be interesting to see if it had been used in several places at the same time."

LETTERS

From previous page

2,000 more daily car trips. And he claims to support preservation of the "rural character" of the Valley?

When I asked my good friends in Carmel Views about their president's remarks (and he said he was also speaking for the Carmel Valley Rotary Club!) they responded: "what president?" It turns out that Mr. Sinotte simply refused to accept that his term on the board had expired and that an open election for his two-year position was required by the association's rules. He said, when advised of this, "I'm not stepping down." In an extraordinary move, at the end of a long meeting he nominated himself for an additional one-year term (not provided for by the association). When challenged, he proclaimed again, "I'm not stepping down." By-laws, members' objections, respect for his association's integrity, conscience — none seem to matter.

There's also the question whether by-laws of the mandatory-membership residents' association authorize its officers to advocate publicly as the voice of the community concerning matters such as incorporation.

I now know not to take Mr. Sinotte seriously when he says he is representing Carmel Views. How many of the residents of Carmel Views even know of the high handedness and misrepresentation being perpetrated in their name?

Margaret Robbins,
Carmel

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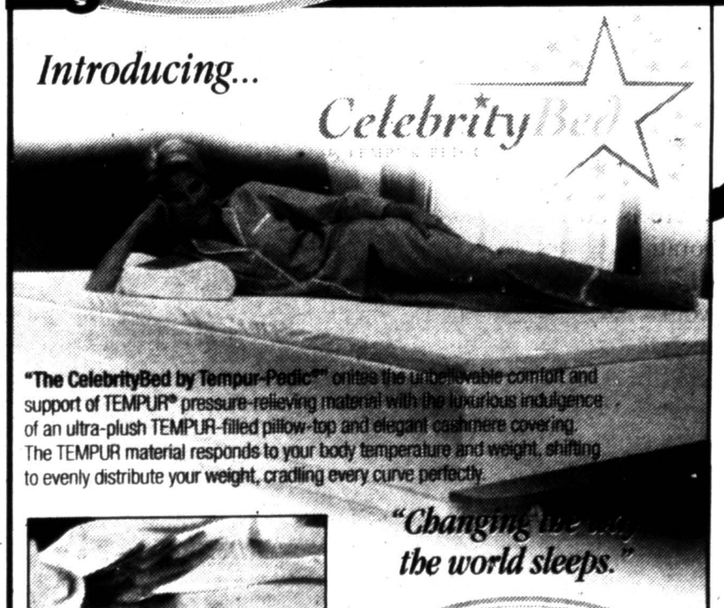

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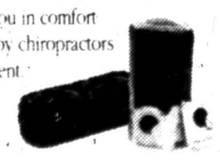
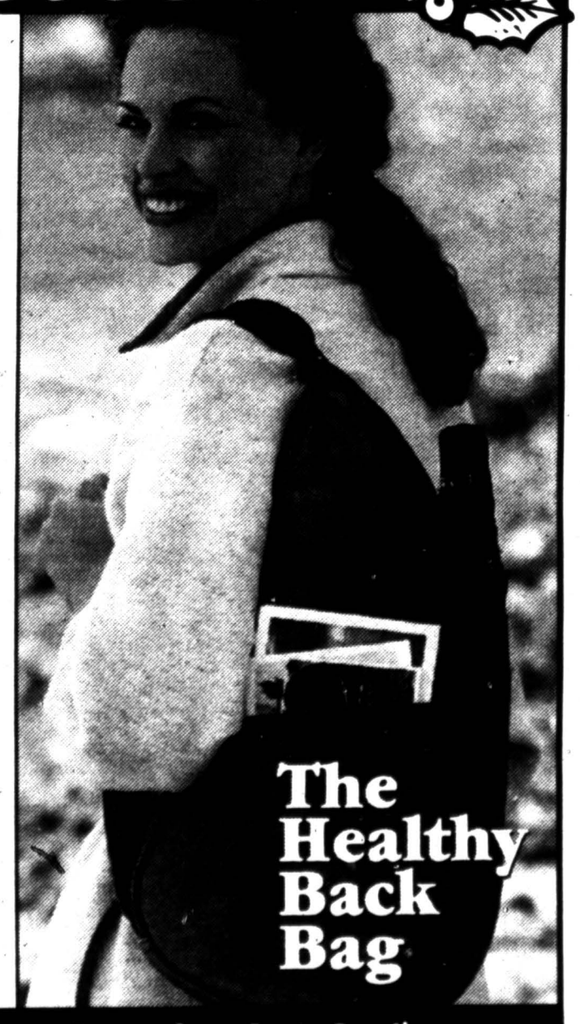




The Healthy Back Bag

Across from See's Candies
Del Monte Center • Monterey

Welcome BACK!
"The Healthy Back Store"

658-0178 Del Monte Center

Sandy Claws

By Margot Petit Nichols

AGGIE THIBODEAUX, 1-1/2, a West Highland white terrier, was a San Joaquin Valley girl before settling down permanently in Carmel.

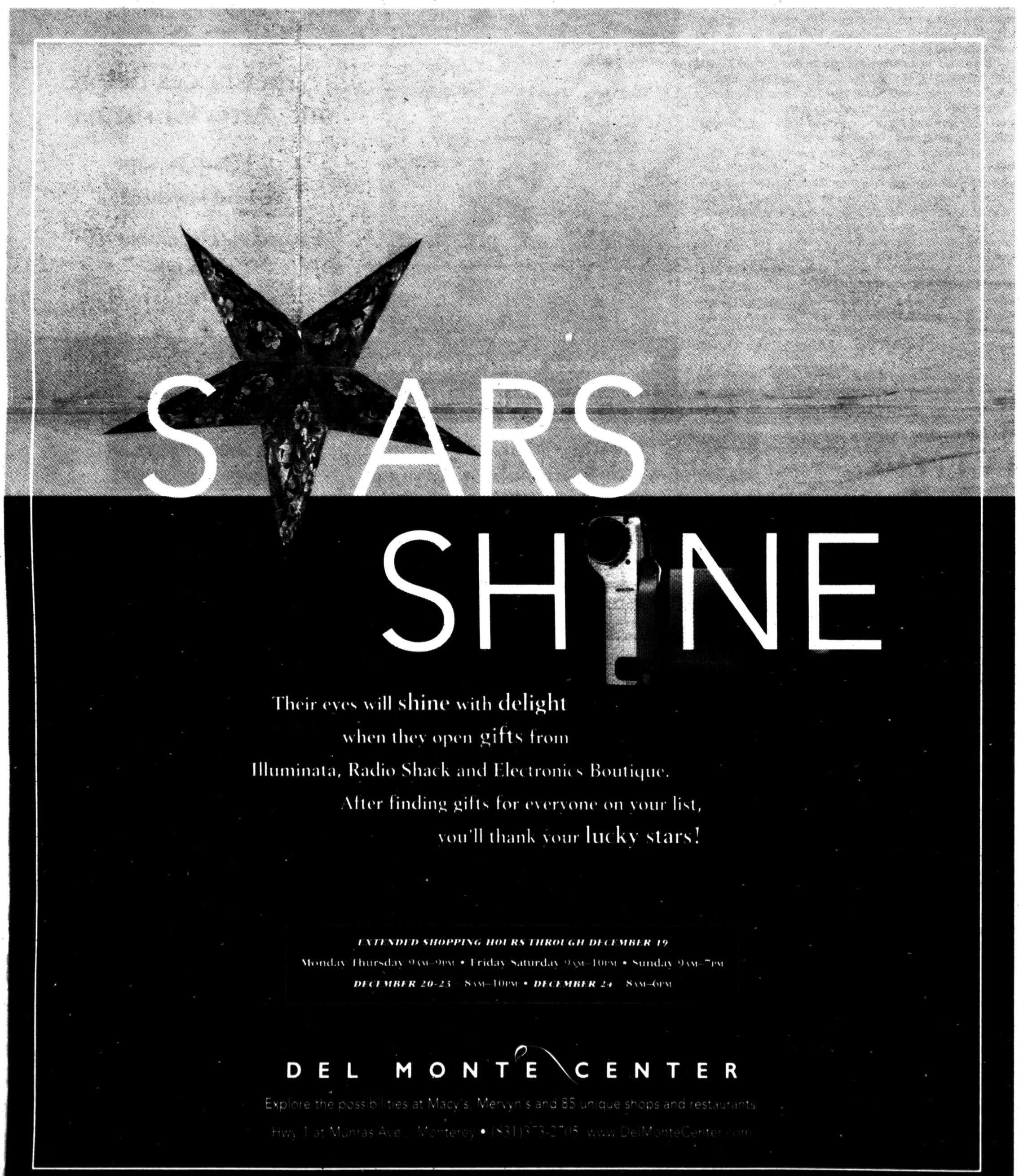
Inland Aggie was a gift to Mom Cherie from Auntie Sally Selner when Aggie was only 10 weeks old and all unknowing of the ocean. The first time she was driven to Carmel Beach for an introduction, she stayed in the car and gazed at the sea, mesmerized. What was that liquid expanse of moving whatever?

On her second visit, she leaped out of the car and made friends with the beach, the ocean and every dog in sight. Aggie, according to Auntie Sally, is pure love. She kisses all her canine friends on the muzzle when she encounters them; greets the postman daily with joyous tail wagging; loves her three cloth squirrel toys with interior squeakers; loves to get into bed with house guests; loves parties; loves a long beach run with friends; and loves to tear up paper, even tiny cash register receipts.

This week, a friend left a few bones wrapped securely in paper in the car with Aggie. When Aunt Sally returned, there was paper from one end of the car to another. The bones had been liberated.

This week she was one of 40 dog guests at a Carmel beach party thrown by Boomer and Willie Jones and their Mom Allison. Santa arrived with a bagful of toys, one for each guest. Aggie got a squeaky football.

Aggie loves to snuggle, but when she goes to sleep, she has to let the snuggling go: She rolls over on her back and sleeps with her legs in the air.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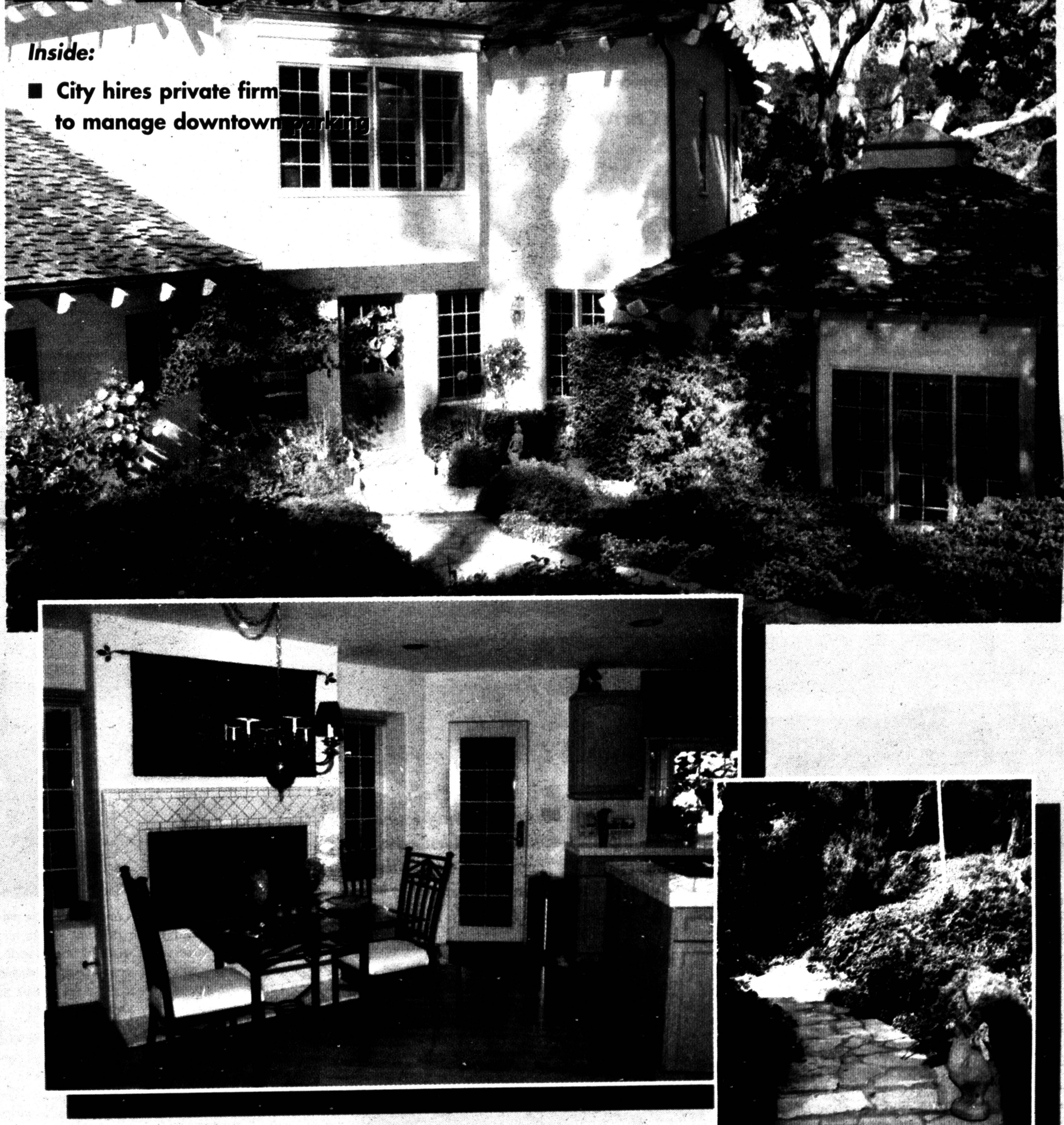
Real Estate

Inside:

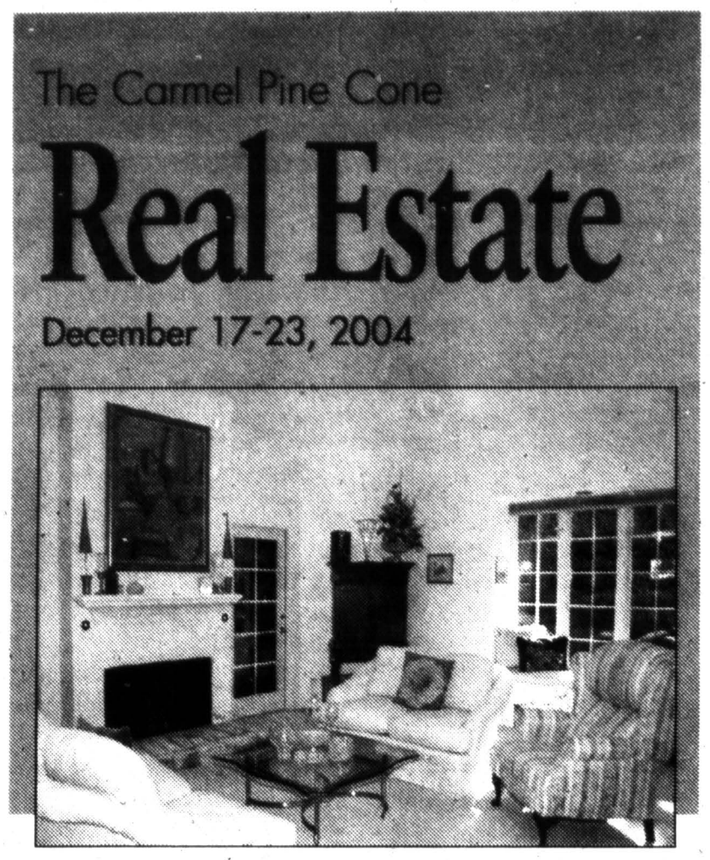
■ City hires private firm to manage downtown parking



■ This week's cover home, located in Carmel-by-the-Sea, is presented by Judith Profeta of Alain Pinel Realtors (see page 2B)

ALAIN PINEL
REALTORS

About the Cover



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CARMEL- SOUTH COAST

136 CARMEL RIVIERA DR: $1,800,000
John & Louise Filighera to John & Rosemary Snider

CARMEL VALLEY

9662 WILLOW CT: $899,000
Walter J & Gabrielle deFaria to Robert M & Susan J Tasner

3 ESQUILINE RD: $699,000
Columbia Pacific Investments to Aaron C & Adrienne A Gaily

9601 BUCKEYE CT: $933,000
Gailerd & Linda K Smith to Francoise Duong

924 W CARMEL VALLEY RD: $1,154,000
Forrest & Cindy White to Dennis M & Kimberly Drin Pearson

50 DEL MESA CARMEL: $722,500
Norman H & Terry L Schroeder to Philip A & Barbara W Nelson

PEBBLE BEACH

34 SHEPHERDS KNOLL: $591,000
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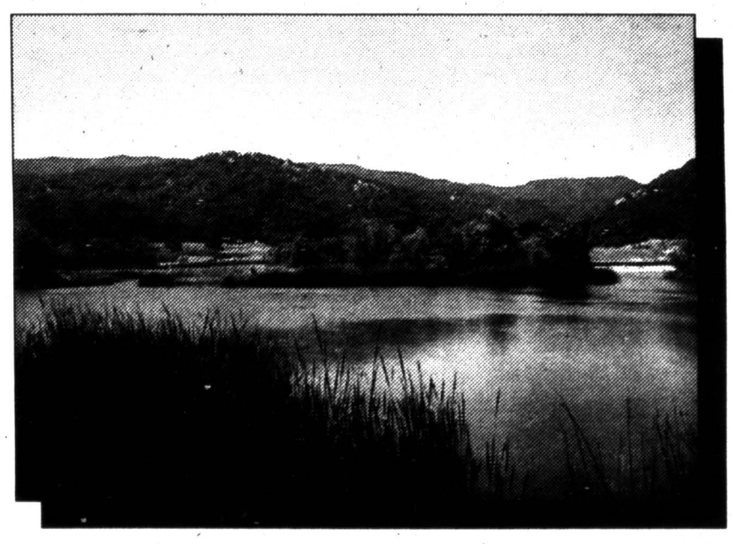
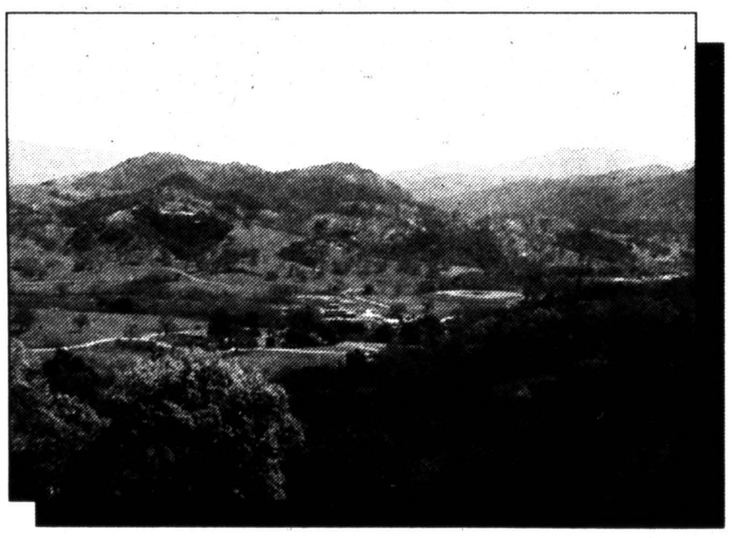
PREMIER PRESERVE PROPERTIES



Premier Properties available at The Santa Lucia Preserve

A world class, private conservation community limited to 300 homesites on 20,000 oak and redwood studded acres, is located in the coastal foothills of the Santa Lucia Mountains, just three miles from Carmel.



39 Arroyo Sequoia, Lot 114 – A scenic lot consisting of 13 acres with a large homeland area of 1 acre which allows for a one+ story home and guest cottage. A very flat homeland with dramatic valley and mountain views. Private lot with no other homesites in view. $1,500,000

9 Corral Run, Lot D-3 – Located conveniently close to the front gate and Carmel, this 23 acre lot offers an ideal combination of privacy, proximity, sunshine and beautiful valley views, all on an elevated bench graced with magnificent oaks. 3 acre homeland allows for a one-story home and guest house. $1,570,000

20 Arroyo Sequoia, Lot 104 – Overlooking the back nine holes of the golf course, this picturesque 8 acre lot offers solitude and privacy. The 1 acre homeland allows for a one+ story home and guest cottage. Sunny, beautiful oak trees and close to the Activity Center and Golf Course. $1,595,000

16 Potrero Trail, Lot 187 – This magnificent 49 acre parcel comprises an elevated bench offering spectacular meadow, hill and redwood views. Ease of access to the front gate, the homesite will enjoy extensive sunshine and ability to construct main, guest and caretaker's houses, as well as full-time equestrian. $1,895,000

13 Touche Pass, Lot 163 – A 42 acre hilltop parcel with expansive 360 degree valley and mountain views. A parcel which allows full equestrian use, barn, caretaker's cottage, guest house and a large one-story residence. The homeland is over 3 acres and offers the potential of a very dramatic setting. $2,295,000

33 Potrero trail, Lot 199 – Perfectly private with sweeping pastoral views, this 42 acre lot offers one of the best locations on the Preserve – close to town and the front gate, yet totally private. With part-time equestrian capability, beautiful meadows and heritage oaks, this homesite allows for a one-story residence, guest house and caretaker's cottage. One of the best! $2,950,000

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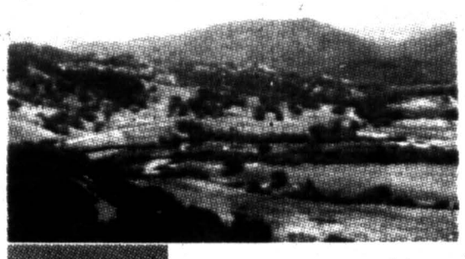
Acreage: 3 - 49
Price: From $1.050 - $2.95 million



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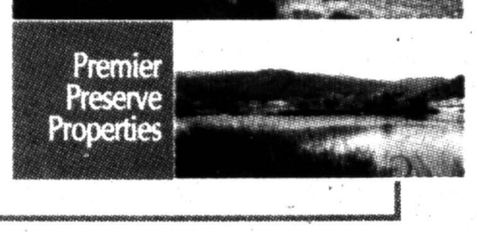

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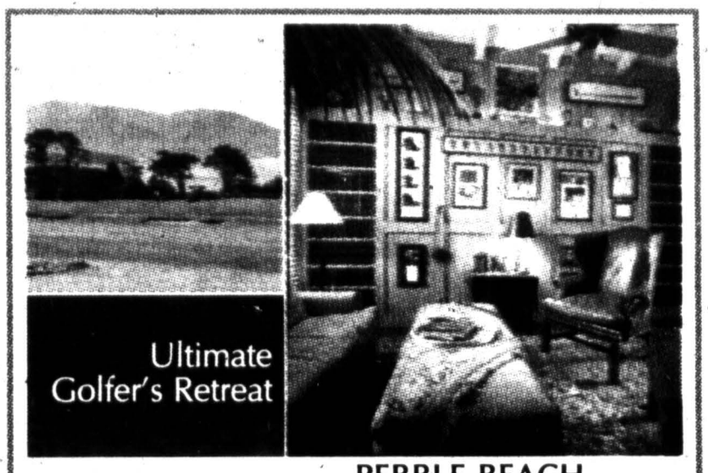


PEBBLE BEACH

Bedrooms: 4
Baths: 4+
Sq. Ft.: 3,800
Price: $15,950,000

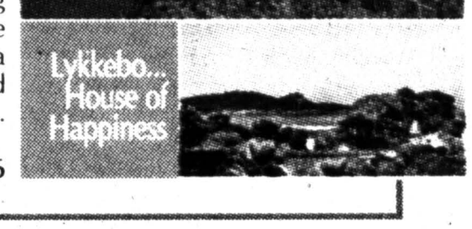
Situated along the 2nd hole of the famed Pebble Beach Golf Links, with spectacular views and close to the Lodge, this tastefully appointed home's floorplan includes a classic golfer's den, private deck and five garage bays. Offered fully furnished.

624.0136

CARMEL

Bedrooms: 4+
Baths: 3+
Sq. Ft.: 3,800
Price: $3,495,000

This spacious home with ocean views is located on a private cul-de-sac above the Carmel Mission. Bordered by a greenbelt, the stunning home, plus an adorable guest house, is set on a meticulously maintained 4/10th acre parcel.



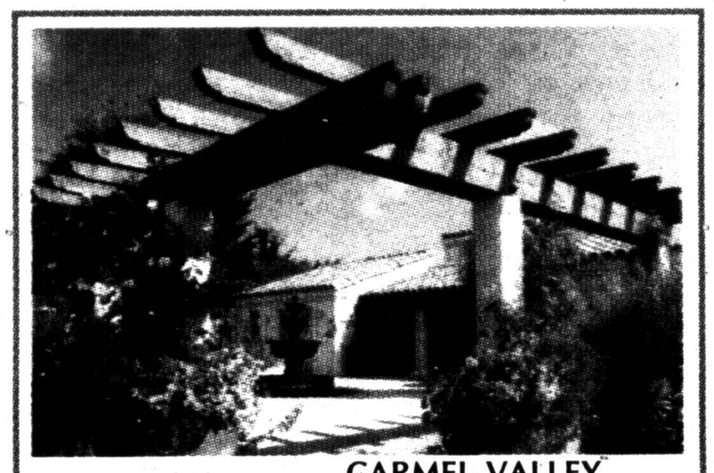
624.0136

PEBBLE BEACH

Bedrooms: 3
Baths: 3
Sq. Ft.: 1,789
Price: $1,800,000

Build on a 1+ acre flat parcel. Approved plans for a 4,500 sq.ft. chateau with a hint of Provence and an 1,800 sq.ft. five car garage with a 900 sq. ft. gymnasium. Or live in the current home (being sold "as is") and expand later. Seller has been approved for additional PB water allocation.

624.6482



CARMEL VALLEY

Bedrooms: 3
Baths: 4.5
Sq. Ft.: 4,900
Price: $2,995,000

Classic early California architecture, fountains, stonework, landscaping and gardens enhance this private, quiet and gated custom crafted home. Along with spectacular views of sun-drenched mountains, features include high ceilings, wine storage, outdoor BBQ, pool, spa and more.

659.2267

CARMEL

Bedrooms: 2
Baths: 2
Sq. Ft.: 1,125
Price: $995,000

A bright and cheerful cottage with lots of glass and light. Spacious high beam-ceiling living room with Carmel stone fireplace. Hardwood floors throughout. In a forested setting. Carmel stone patio & rear deck.

624.6482

MONTEREY

Bedrooms: 3
Baths: 2
Sq. Ft.: 1,893
Price: $990,000

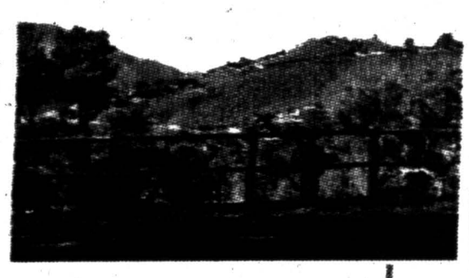
A classic contemporary located high up a hill in coveted Old Monterey offers sophisticated design elements along with modern amenities. On the market for the first time. Large and open light-filled spaces, high ceilings, two fireplaces and a private deck.

646.2120

CARMEL VALLEY

Bedrooms: 3
Baths: 2
Sq. Ft.: 1,626
Price: $1,395,000

Set on more than one acre with valley and mountain views plus plenty of privacy, this home just underwent a complete remodel inside and out. Complete professional landscaping, expansive decking, hot tub and more.



659.2267

MONTEREY/SALINAS HWY

Bedrooms: 4
Baths: 3.5
Sq. Ft.: 3,440
Price: $1,895,000

Enjoy 15 acres of beautiful views! Almost complete, this new home features a formal entry, pantry, loft, office, rec room, two fireplaces and more. Located on a cul-de-sac lot, this home also has a three car garage plus RV/boat parking available. Room for horses, too!

646.2120

CARMEL VALLEY

Bedrooms: 5
Baths: 5.5
Sq. Ft.: 5,200
(includes guest house)
Price: $3,900,000

Tranquility and seclusion on 2.1 acres with lush gardens, waterfalls, salt water pool, putting green, mountain views, ocean peek - yet, a close in location! Artfully designed and executed as a personal retreat. Two complete houses plus a pool house.

659.2267

CARMEL VALLEY

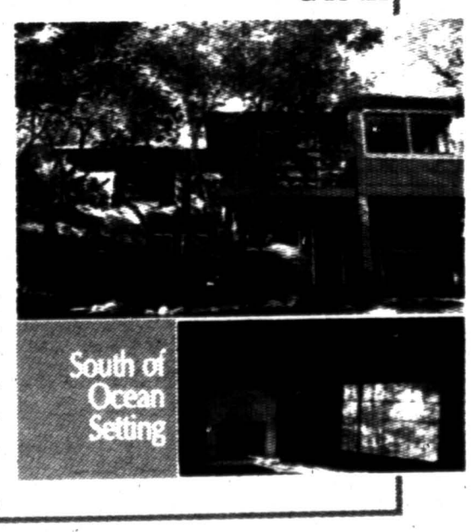
Bedrooms: 2
Baths: 2
Price: $875,000

Recently remodeled, redecorated and expanded to just under 2,000 sq. ft. Features include a beautiful kitchen, washer/dryer, separate dining room and a fireplace in the living room. Parking close.

659.2267

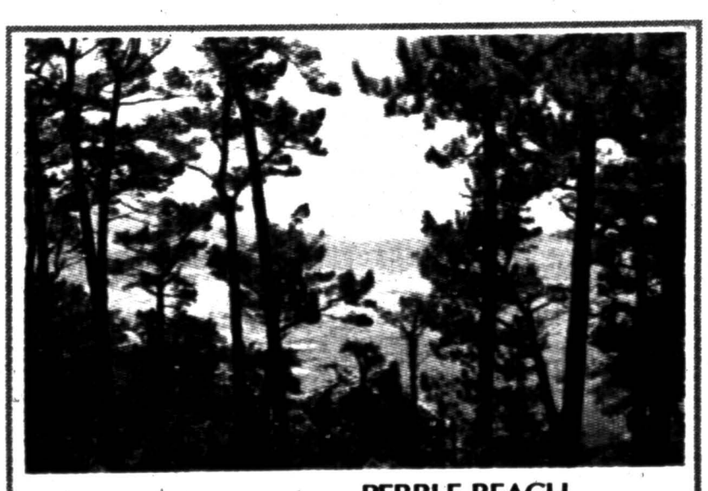
CARMEL

Bedrooms: 5
Baths: 3.5
Sq. Ft.: 2,380
Price: $1,495,000



This authentic 1920's redwood cottage is filled with vintage Carmel charm. Set on a 10,000 sq. ft. lot and lovingly maintained. Newer roof, fresh paint and carpet. Separate guest unit, koi pond, winding Carmel stone paths and the walk-to-town location.

624.0136



PEBBLE BEACH

Bedrooms: 3
Baths: 2 full, 3 half
Price: $7,400,000

This estate, designed by architect Frances Palms, is located on Pebble Beach's famous Seventeen Mile Drive, overlooking The Lone Cypress. Situated on 2.7 private and wooded acres with spectacular views of the rugged Pacific coast line, crimson sunsets await you!

624.6482

PACIFIC GROVE

Bedrooms: 3
Baths: 2
Sq. Ft.: 1,750
Price: $879,500

Completely remodeled by a professional designer, boasts an all new interior -- doors, windows, fixtures, cabinets, wall finishes and flooring, plus a gourmet kitchen. New electrical and plumbing. Some custom furnishings and artwork included.

646.2120

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COUNCIL: $80,600 ISN'T WORTH THE TROUBLE

By MARY BROWNFIELD

THE CITY will pay an outside company to monitor the parking kiosks at Sunset Center and tour bus parking along Junipero, rather than hire an officer to write parking tickets there and elsewhere in town, the council decided on a 3-2 vote Dec. 7.

The estimated difference in parking lot revenue for the city was $80,645.

The council had the choice of paying National Parking and Valet 35 percent of gross revenues, or hiring another parking cop, at a cost of $51,193, according to city administrator Rich Guillen.

He anticipated contracting with the parking company would net the city $178,750, while handling the work in house would net $259,405.

"The difference [$80,645] seems significant, but my recommendation is still to go with National Parking and Valet, because it matches our philosophy of outsourcing," he said. When the council eliminated 24 jobs in its 2004/2005 budget, it adopted outsourcing as a desirable means for getting work done.

Mayor Sue McCloud wondered if the city could afford it at those costs, but Guillen responded that while the numbers are only estimates, the parking company has experience on its side.

"The police department would have a learning curve and startup costs," he said. "There could be some challenges."

Steve Summers of National Parking and Valet said companies like his usually receive 50 percent of gross receipts. He also speculated the numbers in Guillen's report were optimistic.

'Desperately need officer'

"I'm a very big proponent of outsourcing, but we desperately need another parking officer," councilwoman and downtown business owner Paula Hazdovac commented, explaining her opposition to the contract.

She said the council erred when it cut a community services officer from the payroll.

Councilman Gerard Rose said he was thrilled the suggestion of going in-house came from employees thinking of ways the city could save money — a brainstorming effort he wants to support.

"It's at least worth trying for a while," he said.

But council member Erik Bethel worried the city could go into the red if it had to pay for another parking officer.

"The National Parking and Valet proposal is variable, so whatever we make in revenue, the costs are 35 percent. And in the in-house situation, the costs are fixed," Bethel said. "If we don't make some money on the revenue side, we're going to be in a world of pain."

The city should hire both, according to councilman Mike Cunningham, who reasoned that National could run the paid parking programs, while the new parking officer's salary could be recouped through collecting tickets.

That idea generated little discussion before the council voted, with Hazdovac and Rose dissenting, to sign an 18-month contract with National Parking and Valet which will be finalized at a future meeting. The three kiosks, purchased for $49,800, have yet to be installed.

MOLSKI

From page 24A

The result of this scheme is that "the means for enforcing the ADA (attorney's fees) have become more important and desirable than the end (accessibility for disabled individuals)." Brother v. Tiger Partner, LLC, 331 F. Supp. 2d 1368, 1375 (M.D. Fla. 2004). Serial plaintiffs, like Molski, serve as "professional pawn[s] in an ongoing scheme to bilk attorney's fees." Rodriguez, 305 F. Supp. 2d at 1285. It is a "type of shotgun litigation [that] undermines both the spirit and purpose of the ADA." Brother, 331 F. Supp. 2d at 1375. [footnote: The Brother court expressed serious concerns about the "vexatious litigation tactics" employed by serial ADA plaintiffs, and called upon the Congress to formulate a legislative solution to the problem. 331 F. Supp. 2d at 1375. Pending legislative reform, however, "[t]he appropriate mechanism for addressing allegations of such behavior lies with the ethics and disciplinary bodies of State bar associations or with the court where the litigation is pending." ADA Notification Act: Hearings on H.R. 3590, before the Subcomm. on the Constitution of the House Comm. on the Judiciary (May 18, 2000)]

Analysis

a. Authority to Issue Pre-Filing Order

The District Court has the inherent power to levy sanctions in response to abusive litigation practices. This inherent power is augmented by Local Rule 83-8, which empowers this Court to craft an appropriate sanction to defend against vexatious litigation, including, but not limited to, "a directive to the Clerk not to accept further filings from the litigant without payment of normal filing fees and/or without written authorization from a judge of the Court or a Magistrate Judge, issued upon such showing of the evidence supporting the claim as the judge may require."

b. Standard for Vexatious Litigant

In deciding whether or not to restrict a litigant's access to the courts, "[u]ltimately, the question the court must answer is whether a litigant who has a history of vexatious litigation is likely to continue to abuse the judicial process and harass other parties." Safir v. United States Lines, Inc., 792 F.2d 19, 23 (2nd Cir. 1986). In doing so, the Court should look to five factors: (1) the litigant's history of litigation and in particular whether it entailed vexatious, harassing or duplicative lawsuits; (2) the litigant's motive in pursuing the litigation, e.g., does the litigant have an objective good faith expectation of prevailing?; (3) whether the litigant is represented by counsel; (4) whether the litigant has caused needless expense to other parties or has posed an unnecessary burden on the courts and their personnel; and (5) whether other sanctions would be adequate to protect the courts and other parties. See id.

1. Litigant's History of Litigation

A "vexatious suit" is a "lawsuit instituted maliciously and without good cause." Black's Law Dictionary 1596 (8th ed. 2004). After examining Plaintiff's extensive collection of lawsuits, the Court believes that most, if not all, were filed as part of a scheme of systematic extortion, designed to harass and intimidate business owners into agreeing to cash settlements.

The Court bases this determination on several considerations. One is the sheer vol-

See **VEXATIOUS** *page 5B*

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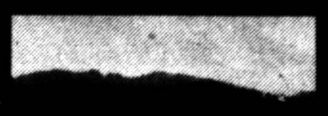

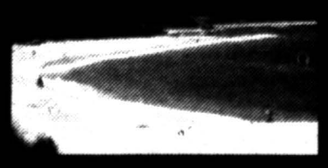

Reflective of a French country chateau with a touch of Tuscany, this stunning new BOLTON masterpiece is situated up a very private gated driveway on nearly a double lot in the prime area of Carmel Pt., just 200' to the pristine sands of Carmel River beach. Features include a grand room dominated by a 15th century French fireplace, gourmet commercial kitchen and luxurious master suite. With amenities too numerous to mention, many more surprise await the person who visits La Villa Dulce. Offered at $8,200,000.

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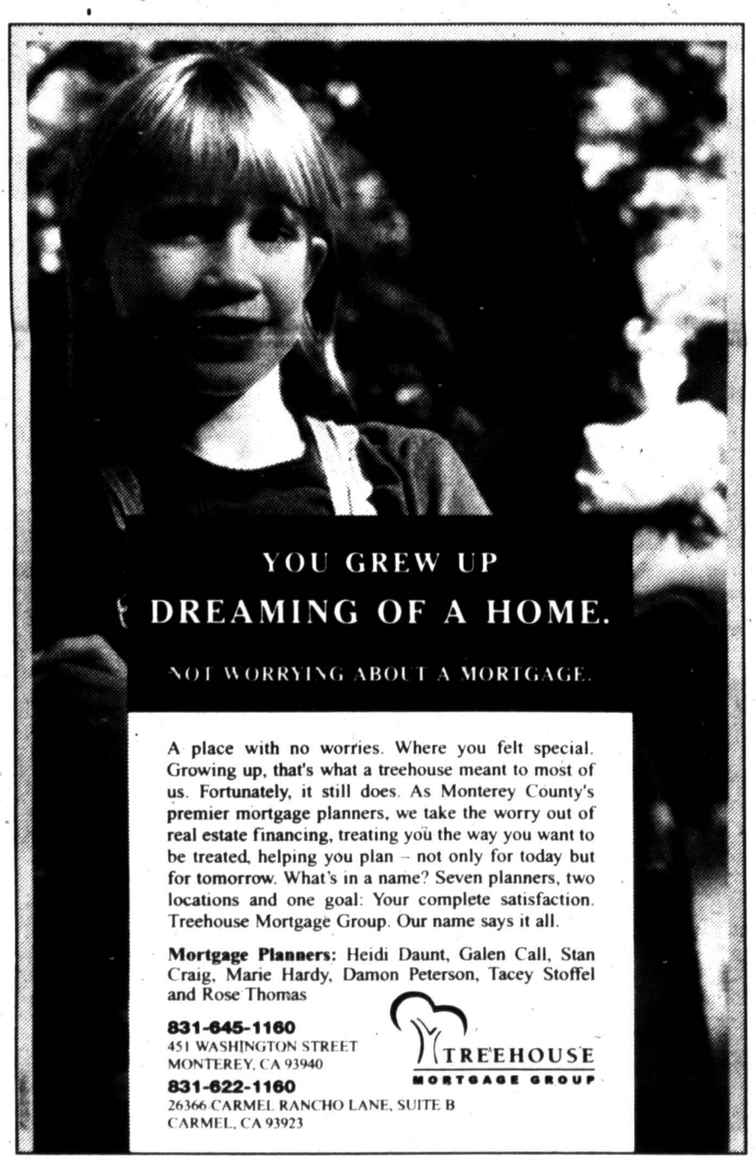

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VEXATIOUS

From page 4B

ume of lawsuits filed by this Plaintiff. Although litigiousness alone is insufficient to justify a restriction on filing activities, it is a factor the Court considers indicative of an intent to harass. Here, Molski's filing are plainly numerous, and, as discussed throughout this order, abusive as well.

Another consideration is the textual and factual similarity of the complaints filed by Plaintiff. This too, while not dispositive, is a factor the Court considers indicative of an intent to harass, as it suggests that Plaintiff is filing boilerplate complaints.

Most important, however, is the Court's conclusion that the allegations contained in Plaintiff's complaints are contrived and not credible. Although it is not obvious when looking at an individual complaint, examining Plaintiff's complaints in the aggregate reveals a clear intent to harass businesses.

For example, in Molski v. El 7 Mares Restaurant, Case No. C04-1882 (N.D. Cal. 2004), Molski claims that, on May 20, 2003, he and significant other, Brygida Molski, attended the El 7 Mares Restaurant for the purposes of dining out. Molski alleges that the restaurant lacked adequate handicapped parking, and that the food counter was too high. After the meal, Molski attempted to use the restroom, but because the toilet's grab bars were improperly installed, he injured his shoulders in the process of transferring himself from his wheelchair to the toilet. Thereafter, he was unable to wash his hands because of the lavatory's design.

Although this complaint appears credible standing alone, its validity is undermined when viewed alongside Molski's other complaints. In Molski v. Casa De Fruta, L.P., Case No. C04-1981 (N.D. Cal. 2004), Molski alleges that he sustained nearly identical injuries on the exact same day, May 20, 2003. In Casa de Fruta, Molski alleges that he and significant other, Brygida Molski, patronized Casa de Fruta for the purpose of wine tasting. On arrival, Molski was again unable to locate van accessible parking. Once inside, Molski again found the counter to be too high. After wine tasting, Molski again decided to use the restroom, and again, injured his upper extremities while in the process of transferring himself to the toilet. Thereafter, he was once again unable to wash his hands due to the design of the lavatory.

This was, apparently, not the end of Molski's day. In Molski v. Rapazzini Winery, Case No. C04-1881 (N.D. Cal. 2004), Molski once again alleges that he sustained nearly identical injuries on the exact same day, May 20, 2003. Molski, again accompanied by Brygida Molski, claims he visited the Rapazzini Winery for the purpose of wine tasting. Again, Molski complains that the parking lot lacked adequate handicapped van accessible parking. Upon entering the establishment, he discovered that the counter was too high. After tasting wine, he again needed to use the restroom. In the course of transferring himself from his wheelchair to the toilet, he injured himself yet again. Thereafter, he was again unable to wash his hands due to the lavatory's design.

The Court is tempted to exclaim: "what a lousy day!" It would be highly unusual – to say the least – for anyone to sustain two injuries, let alone three, in a single day, each of which necessitated a separate federal lawsuit. But in Molski's case, May 20, 2003, was simply business as usual. Molski filed 13 separate complaints for essentially identical injuries sustained between May 19, 2003 and May 23, 2003. The Court simply does not believe that Molski suffered 13 nearly identical injuries, generally to the same part of his body, in the course of performing the same activity, over a five-day period. This is to say nothing of the hundreds of other lawsuits Molski has filed over the last four years, many of which make nearly identical allegations. The record before this Court leads it to conclude that these suits were filed maliciously, in order to extort a cash settlement.

It is possible, even likely, that many of the businesses sued were not in full compliance with the ADA. However, "[f]or purposes of imposing sanctions under the inherent power of the court, a finding of bad faith 'does not require that the legal and factual basis for the action prove totally frivolous; where a litigant is substantially motivated by vindictiveness, obduracy, or mala fides, the assertion of a colorable claim will not bar the assessment of [sanctions].'" Fink v. Gomez, 239 F.3d 989, 992 (9th Cir. 2001). See also Vollmer v. Selden, 350 F.3d 656, 660 (7th Cir. 2003) (a non-frivolous filing may be sanctionable if filed for an improper purpose, such as extortion). So, even if the businesses sued by Molski were in violation of the ADA, this fact is outweighed by the Court's finding that he acted in bad faith, for the improper purpose of extorting a settlement. The Court therefore finds that Molski has a considerable history of vexatious litigation. See Brother, 331 F. Supp. 2d at 1375 (describing a similar pattern of "shotgun" ADA litigation, designed to extort attorneys' fees, as "vexatious litigation").

2. Litigant's Motive

The next factor to be considered is the litigant's motive in bringing the lawsuit. Molski claims that his motivation was to obtain injunctive relief, and that the funds recovered were largely used to offset his legal expenses. But this explanation is undercut by his course of action. The ADA itself allows private plaintiffs to sue for injunctive relief, and to recover their attorneys' fees and costs. It does not allow for any award of money damages to a private plaintiff. If Molski's motivation was genuinely to obtain injunctive relief and recover his legal costs, he could sue entirely under the ADA. But he does not do that. Instead, Molski almost always raises additional state law claims under the CDPA, California Health & Safety Code, the Unruh Civil Rights Act, and California Bus. & Prof. Code § 17200, which allow for the recovery of money damages.

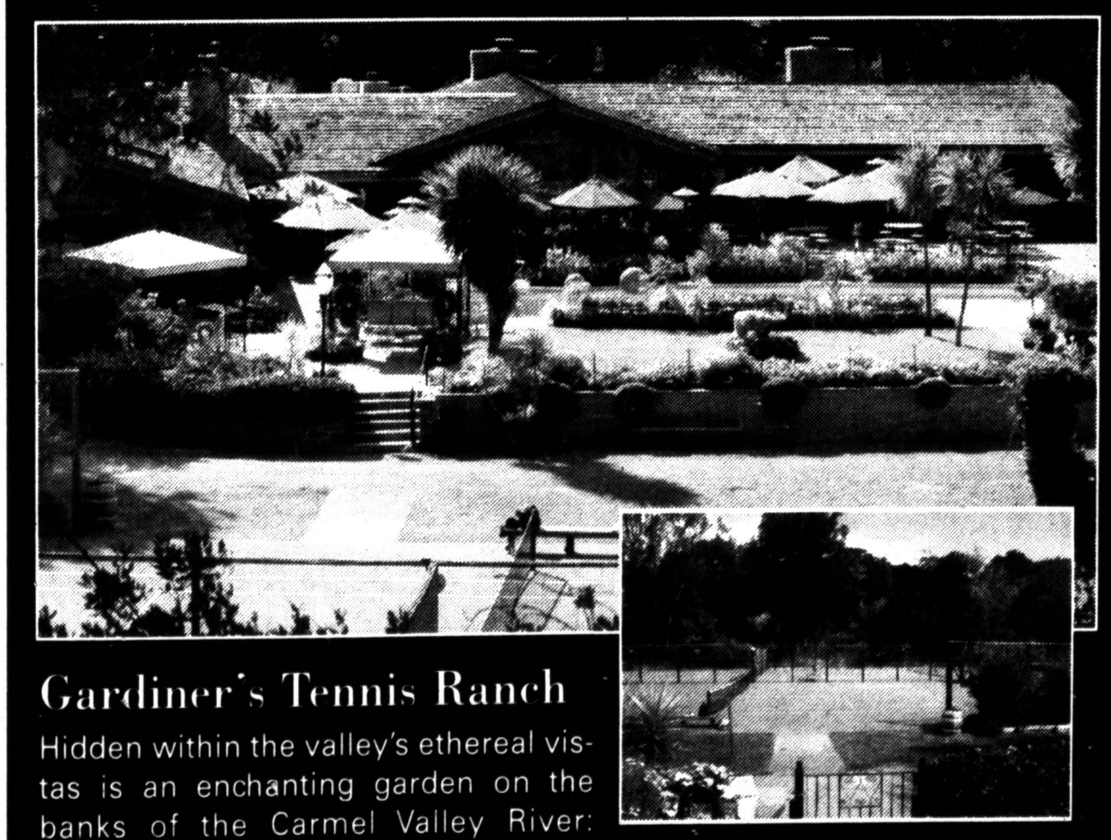
Clearly, raising multiple claims, by itself, is not unethical or vexatious. However, it is consistent with an overall pattern of behavior that demonstrates Molski's motivation is, ultimately, to extract a cash settlement. The threat of significant money damages [Footnote: The damages requested are quite significant. Molski routinely asks for $4,000 per day, for every day from his visit until the repairs are completed. And Molski often waits a year or more before filing suit. In the instant case, the purported violation took place on January 25, 2003, but the suit was not filed until January 23, 2004. That delay alone would be worth $1,452,000 if Molski received the damages requested] is a much more effective inducement to settle than merely requesting a court order to make "readily achievable" repairs. And that threat appears to be working. Almost as startling as the sheer number of complaints Molski has filed, is the number of those claims that settle. Of the hundreds of cases Molski has filed in this district, not one has ever been litigated on the merits. The overwhelming majority settle, with a significant minority dismissed for violation of a court order, or failure to prosecute the claim. This not only calls into question Molski's good faith expectation of prevailing on the merits of his claim, but also suggests that he does not even have a reasonable expectation (or intention) of litigating the suit on the merits. Molski's m.o. is clear: sue, settle, and move on to the next suit.

3. Representation By Counsel

See **DECISION** *page 9B*

Carmel Valley

ALAIN PINEL REALTORS



Gardiner's Tennis Ranch

Hidden within the valley's ethereal vistas is an enchanting garden on the banks of the Carmel Valley River: Gardiner's Tennis Ranch & Resort. Secluded, luxurious appointed cabins are scattered among 24 acres of manicured grounds. Boasting 14 tennis courts, 3 swimming pools, and a fitness center offering massages and spa treatments this fine resort offers superb dining, fabulous accommodations and so much more. Mixed zoning on 33 lots of record.

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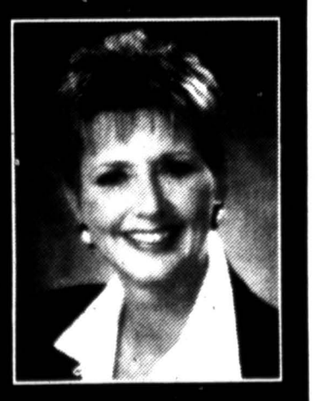

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BUILD NOW! This one-acre Carmel lot with water & stunning Pt. Lobos, ocean & sunset views is located at the end of a quiet cul-de-sac in a lovely neighborhood. Water supplied by a well producing 60 gallons per minute. Owner is flexible & will take a home in trade. **$1,200,000.**

VACATION RENTALS. Carmel cottages with charm & individuality that is the essence of Carmel-by-the-Sea. These beautifully maintained & updated cottages offer you all the comforts of home, including inside laundry, fireplace, parking & are within walking distance to town. Please call **Beverly Allen, ext. 11** for vacation & long-term rentals.

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POLICE LOG

From page 8A

Crew assisted the man up and into his chair.

Carmel-by-the-Sea: Engine 7111 and Ambulance 7166 responded to report of a medical emergency on Carmelo Street. Units at scene found an elderly female unconscious and unresponsive. Unable to restore any signs of life. Patient was determined to be deceased at approximately 1840 hours. The coroner and family members were contacted. There were two caregivers at the scene also to assist with the information needed.

Carmel-by-the-Sea: Engine 7111 responded to a request for assistance at a Carmelo Street residence. Found the resident had locked himself out of his home. Gained access through a second floor balcony, and a small pane of glass had to be broken, with permission of the owner, to enter the home.

Carmel-by-the-Sea: Engine 7112 en route to a request for public assistance for a tree branch through a skylight at a Camino Real residence. On scene, found the owner had made repairs to a hole in his skylight with duct tape prior to engine's arrival.

Carmel Valley: Subject reported unknown suspect(s) broke the exit gate leading into the estates at San Clemente Road and Carmel Valley Road and drove off road parallel to the road onto grassy areas. Report for insurance purposes.

Carmel Valley: Sheriff's deputy ran an expired plate to a Honda Civic parked at Cachagua Community Park. Vehicle was unoccupied and the plate returned as stolen. The vehicle was towed by Payless tow and taken out of the system. Victim identified as a 56-year-old male.

Carmel area: Male Oliver Road resident, age 37, reported being in an argument with his girlfriend.

TUESDAY, DECEMBER 7

Carmel-by-the-Sea: Female reported losing her camera while shopping in the business area. She stated she visited several shops and the Wells Fargo ATM, when she discovered the camera missing. She retraced the locations and could not find the camera.

Carmel-by-the-Sea: Female Junipero resident reported someone calls her on the phone and just breathes heavily.

Carmel-by-the-Sea: Report of suspicious persons living in the maintenance area located on a lower level of the Court of the Fountains. Smoke was also reported coming from that area. Responded to that location along with the CFD personnel and the building official. Contacted three persons in two storage rooms. One of the subjects appeared to be living in one of the storage rooms. Two other subjects were smoking and drinking alcoholic beverages in the other. Attempted to contact the property manager to advise him of the situation. Building official advised the subject living in the storage room that this area could not be used in that manner and he could stay this evening but had to be out tomorrow. All subjects were clear of any outstanding warrants and advised of the danger of their activity.

Carmel-by-the-Sea: Male Camino Real resident reported hearing his exterior hose turned on while he and his wife watched TV. He went outside and found his hose on high. He checked the rest of the exterior of his house and then the neighborhood, but he found nothing unusual nor suspicious persons. After about 30 minutes after the water was turned on, he called police. Arrived and also found nothing suspicious or unusual in the area, and the resident was advised to call sooner if he hears his water turned on again.

Carmel-by-the-Sea: Engine 7111 and Battalion Chief 7105 responded to a report of a tree down into the wires on Santa Lucia between San Antonio and Bay View. Units at scene found a large tree across the road with only telephone wires down. The area was secured.

Carmel-by-the-Sea: Engine 7111 responded to a report of wires down at Lobos between Valley Way and First. Crew secured a television cable brought down due to the storm to the side of the roadway and flagged it for repair crews.

Carmel-by-the-Sea: Engine 7111 and Battalion Chief 7105 responded to a reported smoke investigation for the smell of smoke in the area at the Court of the Fountains, Mission and Seventh. The cause of the smoke drifting into the courtyard area was from discarded smoking materials burning in a plastic wastebasket. Fire was extinguished prior to fire and police department arrival. As there were several occupants living in two of the downstairs storage rooms below one of the stores, officer from Carmel P.D. took occupant information and the building official was summoned to the scene to handle illegal residency code requirements.

Carmel Valley: Male, 53, reported that someone shot at his trailer on Arroyo Seco Road with a shotgun sometime during the night. There are no suspects or witnesses.

Carmel Valley: Female social worker reported that a 16-year-old female was going to be placed into protective custody and will be living at the boyfriend's parents' house.

Carmel Valley: Female West Carmel Valley Road resident, age 51, reported her 33-year-old daughter never arrived from Honolulu, Hawaii, on 12-02. She has not heard from her daughter since before she was to leave Hawaii.

Carmel Valley: Female Schulte Road resi-

HOUSE OF THE WEEK

Carmel

OPEN SAT. & SUN. 2-4

Torres 5SW of 2nd, Carmel

From the moment you enter this remodeled Carmel residence you feel at ease with the world. Custom materials are incorporated throughout this sophisticated and yet casual design of 2,118 square feet of living areas. Hardwood floors, Travertine counter tops, bronze hardware and custom designed iron work create this home's elegant interiors. 3 bedrooms and 2 baths, a large master suite with fabulous walk-in closet, bonus room/office and ample storage-architecturally/ custom designed "gar-port" with electronic door. Located in a quiet neighborhood and conveniently located near Carmel's restaurants, galleries, shops and points of interest.

■ Price: $1,695,000

■ Contact: Carla White

(831) 915.6187

(831) 620.6177

ALAIN PINEL

POLICE LOG

From page 6B

dent stated her husband pushed her after she had pushed him off the Christmas tree. He was angry because she would not give him gas money.

Carmel Valley: Male, age 55, requested documentation regarding a verbal dispute with his ex-girlfriend. Dispute occurred at a West Carmel Valley Road location.

WEDNESDAY, DECEMBER 8

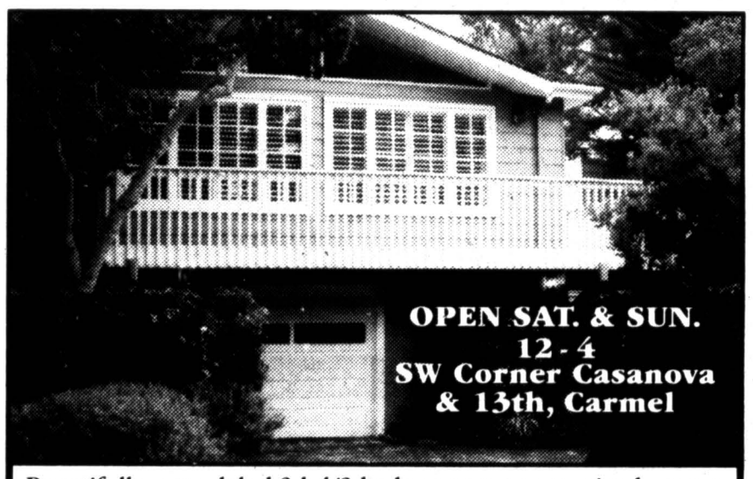
Carmel-by-the-Sea: Vehicle towed from Carmelo Street for having registration expired since 04-30.

Carmel-by-the-Sea: Vehicle was parked on a city street displaying expired registration. The vehicle was towed from Torres Street per the California Vehicle Code.

Carmel-by-the-Sea: At 1102 hours, Engine 7111 was dispatched auto aid to Ocean and Hatton for a structure fire. Upon arrival at 1107 hours, we reported to Ocean IC and were assigned to ladder the roof. A ventilation/inspection hole was cut and interior crews located the seat of the fire. Fire extinguished and engine returned at 1224 hours.

Carmel-by-the-Sea: At 1558 hours, Engine 7111 and Ambulance 7166 were dispatched to a medical emergency on Dolores Street. Upon arrival, found an elderly male complaining of fainting and dizziness. Patient evaluated, loaded and trans-

*See **POLICE LOG** page 10B*



Beautifully remodeled 3 bd/3 ba home on an oversized corner lot and a short walk to the beach. Large upstairs master suite with vaulted ceilings, fireplace & seating area. Courtyard entry with French doors and skylights. Hardwood floors, 2 fireplaces, extra large pantry and laundry. $2,925,000

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- Full contract execution
- Attorney review of contracts

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Home Value	Savings	Home Value	Savings
$550,000	$12,500	$1,250,000	$30,000
$700,000	$17,500	$1,500,000	$37,500
$900,000	$20,000	$2,000,000	$50,000
$1,000,000	$25,000	$3,000,000	$75,000

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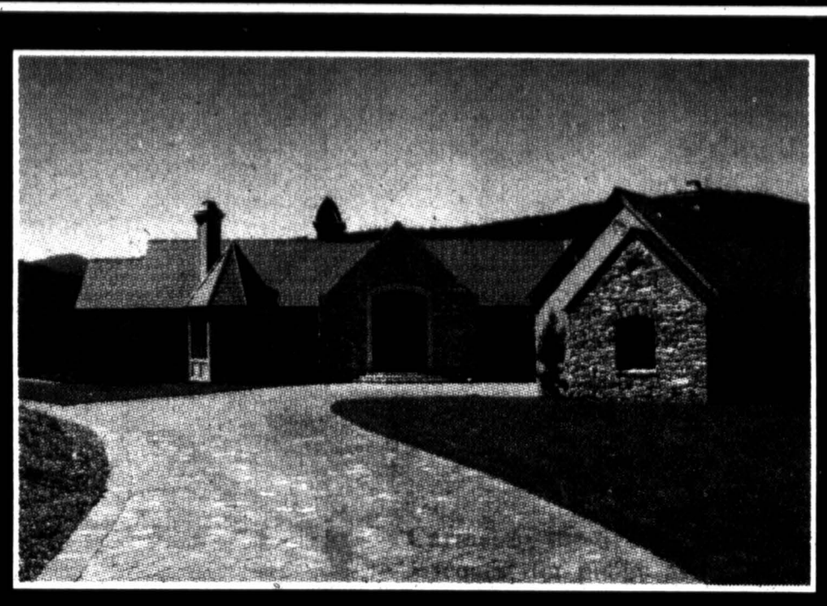

CARMEL VALLEY

Presiding in sunny Carmel Valley and surrounded by picturesque vineyards rests this breathtaking home of top quality craftsmanship and old world stonework. Only the finest materials were used to define this residence of aspiration boasting approx. 4,434 sq. ft., 4 bedrooms and 4+ bathrooms and spectacular mountain and canyon views.

Offered at $3,400,000

PEBBLE BEACH

Majestically situated along the world renowned 17 Mile Drive in Pebble Beach, this stately mansion commands your attention. Masterfully sited to maximize both views and privacy, this 8 year old, 4 bedroom, 4 full baths plus 2 half bath residence has a well-designed floor plan that offers ocean views from all rooms.

Offered at $8,989,000

CARMEL POINT

Located on Carmel Point close to the seashore, this grand Comstock with real character on two street-to-street lots is a comfortable warm home from bygone era that just feels good. The 4 bedroom, 3 bath home is approx. 2,000 sq. ft. and offers views deep into the valley. Privacy and expansion potential.

Offered at $2,859,000

PEBBLE BEACH

Terrific location, this golf course property is on the 17th green of MPCC Shore course and within cart distance to Monterey Peninsula Country Club, Spanish Bay and the Ocean. Offering 3 bedrooms, 2.5 baths, 4 fireplaces, security system, finished 2 car garage and golf cart garage, truly a must see home.

Offered at $1,990,000

CARMEL VALLEY

This 4 bedroom single story home is located close to all that Quail Lodge area has to offer. The wonderful gardens that surround the home and pool create a private resort feeling. The many extras include the custom lighting, Jerusalem stone floors & counters, dual heating system, and radiant heat in the kitchen, family room & mater bath.

Offered at $1,695,000

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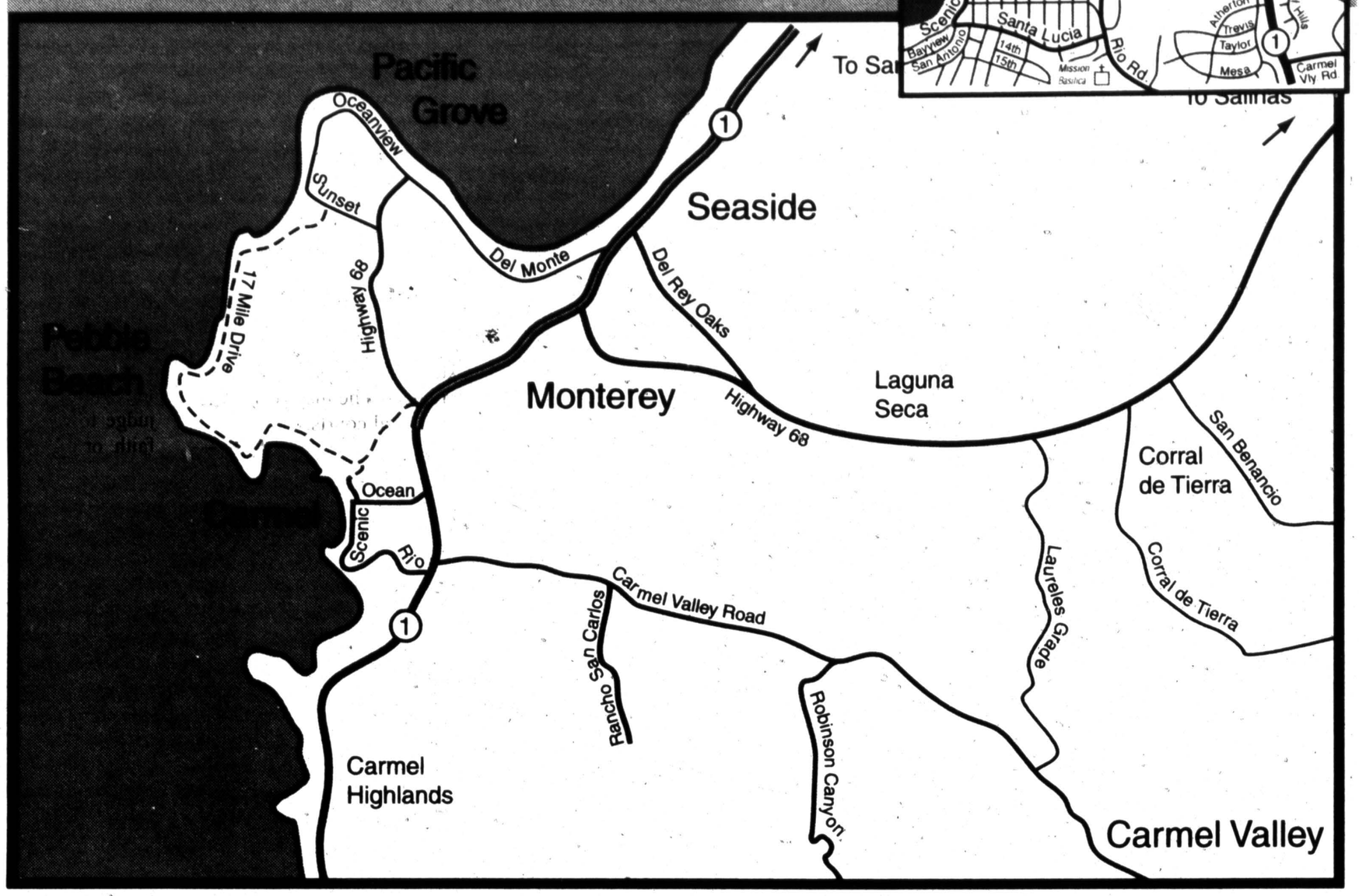

CARMEL

$930,000 2bd 1ba — Sa Su 1-3
NE Corner Guadalupe & 3rd — Carmel
The Mitchell Group — 624-0136

$995,000 2bd 2ba — Sa Su 2-4
Guadalupe 5 NW 3rd — Carmel
The Mitchell Group — 624-6482

$1,295,000 3bd 2ba — Sa Su 1-4
24809 Santa Fe — Carmel
Alain Pinel Realtors — 622-1040

$1,395,000 3bd 2ba — Sa 1-4
3 NW Santa Rita & 3rd — Carmel
Alain Pinel Realtors — 622-1040

$1,395,000 3bd 2ba — Su 2:30-4:30
3 NW Santa Rita & 3rd — Carmel
Alain Pinel Realtors — 622-1040

$1,449,000 3bd 2ba — Su 1-3
Torres 7 NW of 8th — Carmel
Coldwell Banker Del Monte — 626-2221

$1,495,000 3bd 2ba — Su 1-3
Guadalupe 2 NW of 2nd — Carmel
Coldwell Banker Del Monte — 626-2222

$1,495,000 3bd 2ba — Sa 1-3
Dolores 3 NW 4th — Carmel
The Mitchell Group — 659-2267

$1,599,000 2bd 2.5ba — Su 1-4
Torres 2 SE of 5th — Carmel
Coldwell Banker Del Monte — 626-2222

$1,649,000 2bd 2.5ba — Su 1-3
Torres 2 SE of 8th — Carmel
Coldwell Banker Del Monte — 626-2221

$1,695,000 3bd 2ba — Sa Su 2-4
Torres 5 SW of 2nd — Carmel
Alain Pinel Realtors — 622-1040

$1,695,000 2bd 2ba — Su 12-3
24793 Santa Rita — Carmel
John Saar Properties — 622-7227

$1,795,000 3bd 2ba — Sa 2-3:30
San Carlos 2 NW 9th — Carmel
The Mitchell Group — 624-6482

$1,799,000 3bd 2.5ba — Sa Su 1-4
Lincoln 2 SW 12th — Carmel
The Mitchell Group — 624-6482

$1,800,000 2bd 2ba + den — Su 12-2
2 SE Monte Verde & 4th — Carmel
Alain Pinel Realtors — 622-1040

$1,895,000 3bd 2.5ba — Sa 2-4 Su 1-4
Santa Rita 3 SE of 2nd Street — Carmel
Burchell House Properties — 624-6461

$1,899,000 2bd 2ba — Sa Su 1-4
San Carlos 3 NW of 9th — Carmel
The Mitchell Group — 646-2120

$1,899,000 3bd 2ba — Sa Su 1-3
SE Corner Lopez & Third — Carmel
The Mitchell Group — 624-0136

$1,900,000 4bd 4ba — Su 1-3
Lopez & 4th - NW Corner — Carmel
Coldwell Banker Del Monte — 626-2221

$1,995,000 3bd 2ba — Sa 1-3 Su 2-4
Lincoln 3 NE of 9th — Carmel
Coldwell Banker Del Monte — 626-2222

$2,859,000 4bd 3ba — Su 2-4
26339 Valley View — Carmel
Alain Pinel Realtors — 622-1040

$2,925,000 3bd 3ba — Sa Su 12-4
SW corner Casanova & 13th — Carmel
Bailey Properties — 234-2442

$2,995,000 3bd 3.5ba — Sa 2-4
Dolores 3 SE of 7th - Unit 1 — Carmel
Coldwell Banker Del Monte — 626-2222

$3,188,888 4bd 3.5ba — Su 1-4
Lopez 12 NE of 4th — Carmel
Alain Pinel Realtors — 622-1040

$3,200,000 3bd 3.5ba — Sa Su 1-3
75 Spanish Bay Circle — Carmel
Fouratt-Simmons Realty — 624-3829

$3,590,000 4bd 4ba — Sa 2-4
Carmelo 2 NE 4th — Carmel
Coldwell Banker Del Monte — 626-2221

$6,750,000 4bd 3ba — Sa 12-3
2600 Ribera Road — Carmel
Coldwell Banker Del Monte — 626-2222

CARMEL HIGHLANDS

$2,695,000 5bd 4+ ba — Su 1-3
125 Carmel Riviera — Crml Highlands
Alain Pinel Realtors — 622-1040

$2,750,000 3bd 3.5ba — Sa 11-4 Su 1-4
268 San Remo — Crml Highlands
John Saar Properties — 622-7227

$2,990,000 5bd 4ba+ — Sa 3-5
29705 Peter Pan Rd — Crml Highlands
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CARMEL VALLEY

$269,500 Studio — Su 1-3
#18 Hacienda Carmel — Carmel Valley
Fouratt-Simmons Realty — 624-3829

$875,000 2bd 2ba — Su 12-3
9507 Alder Court — Carmel Valley
Coldwell Banker Del Monte — 626-2226

$1,190,000 3bd 2ba — Su 1-3
33 Poppy Street — Carmel Valley
Coldwell Banker Del Monte — 626-2222

$1,195,000 3bd 2ba — Sa 11-3 Su1-4
24900 Pine Hills Dr. — Carmel Valley
John Saar Properties — 625-0500

$1,290,000 4bd 3ba — Su 11-2
9320 Los Prados Drive — Carmel Valley
Coldwell Banker Del Monte — 626-2221

$1,295,000 3bd 3ba — Sa 2-4
28005 Mercurio Road — Carmel Valley
The Mitchell Group — 659-2267

$1,395,000 3bd 2ba — Sa 12-3 Su 1-3
531 Country Club — Carmel Valley
The Mitchell Group — 659-2267

$1,549,900 2bd 2.5ba — Sa Su 1-3
7082 Valley Greens Circle — Carmel Valley
The Mitchell Group — 659-2267

$2,499,000 3bd 4.5ba — Sa 11-4 Su 1-3
7027 Valley Knoll Rd. — Carmel Valley
John Saar Properties — 625-0500

DEL REY OAKS

$769,000 3bd 2ba — Sa 1-3
810 Avalon Place — Del Rey Oaks
Coldwell Banker Del Monte — 626-2222

MARINA

$655,000 3bd 3ba — Su 1-3
171 Dolphin Circle — Marina
Coldwell Banker Del Monte — 626-2226

$739,000 3bd 2ba — Su 12-3
292 Quebrada Del Mar — Marina
Coldwell Banker Del Monte — 626-2222

MONTEREY

$650,000 2bd 2.5ba — Sa 1-4 Su 12-4
51 Montsalas — Monterey
Alain Pinel Realtors — 622-1040

$750,000 2bd 2ba — Sa 1:30-3:30
125 Surf Way #408 — Monterey
The Jones Group — 655-5050

$939,000 4bd 3ba — Sa 1-3
6 Stratford Place — Monterey
Coldwell Banker Del Monte — 626-2221

$1,525,000 4bd 3.5ba — Sa 2-4
400 Dry Creek — Monterey
Alain Pinel Realtors — 622-1040

MTRY./SALINAS HWY.

$1,595,000 3+bd 3ba — Su 1-3
414 Las Laderas — Mtry/Slns Hwy
The Mitchell Group — 659-2267

$2,395,000 4bd 4.5ba — Sa 2-4
2 Estate Drive — Mtry/Slns Hwy
Coldwell Banker Del Monte — 626-2223

$2,675,000 3bd 2.5ba — Sa 1-3
529 Corral de Tierra — Mtry/Slns Hwy
Alain Pinel Realtors — 622-1040

$2,995,000 5bd 3.5ba — Su 3-5
25564 Paseo de Cumbre — Mtry/Slns Hwy
Alain Pinel Realtors — 622-1040

$3,500,000 4bd 5+ba — Sa Su 1-4
612 Belavida — Mtry/Slns Hwy
A.G. Davi Realty — 601-3284

PACIFIC GROVE

$875,000 3bd 2ba — Sa 1-3
908 Hillcrest Court — Pacific Grove
Coldwell Banker Del Monte — 626-2226

$1,075,000 4bd 2ba — Su 1:30-3:30
112 6th Street — Pacific Grove
The Jones Group — 655-5050

PEBBLE BEACH

$625,000 2bd 2ba — Sa 1-3
51 Shepherds Knoll — Pebble Beach
The Mitchell Group — 646-2120

$1,990,000 3bd 2.5ba — Su 1-4
1060 Rodeo Road — Pebble Beach
Alain Pinel Realtors — 622-1040

$5,750,000 5bd 4.5ba — Sa Su 1-4
3179 Palmero Way — Pebble Beach
The Mitchell Group — 624-0136

$8,950,000 3bd 3.5ba — Sa 1-4
3361 17 Mile Drive — Pebble Beach
Coldwell Banker Del Monte — 626-2221

$10,900,000 6bd 5ba+gsthse — Sa 1-3
3349 17 Mile Drive — Pebble Beach
Coldwell Banker Del Monte — 626-2223

SOUTH COAST

$4,990,000 5bd 4+ba — Sa 2-4 Su 12-4
36296 Garrapata Ridge — South Coast
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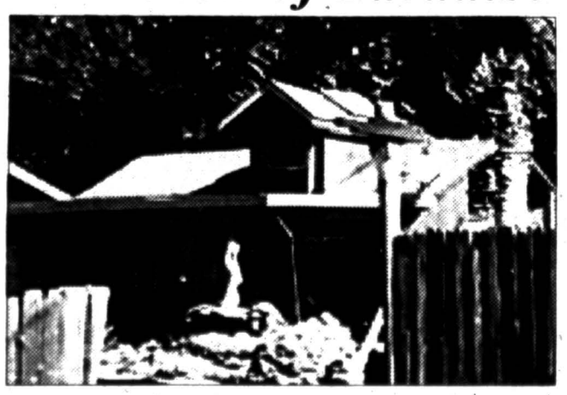

Enjoy the spirit and ambience of an era gone by in this circa 1909 fishing camp. This home is thought to be one of the original cabins in Camp Carmel, now known as "Camp Steffani" – located on the Carmel River (Creek) one mile past the Village. Priced to sell at $495,000!

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Eric Marsh, Broker
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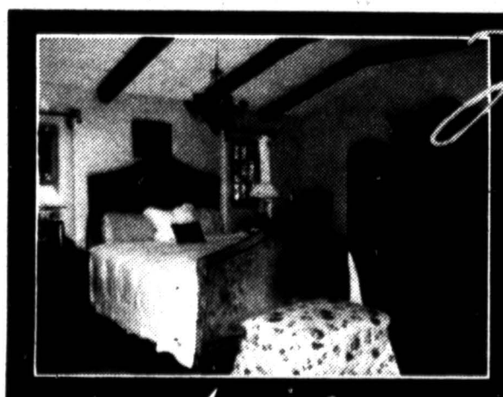

Master Serie... ca. 1025

Beyond private. French doors. Balcony. Imported antique corner fireplace. Mahogany floor. Fitted cedar-lined closet, ca. 1992. Fabric covered walls. Sequestered terrace embraced by the sea. Estate of Grace. $6,800,000.

Robin Aeschliman www.robinaeschliman.com (831) 622-4628

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DECISION

From page 5B

The next factor is whether or not Molski is represented by counsel. Molski has been represented by counsel in every lawsuit that this Court is aware of. Although courts are generally protective of pro se litigants, this same protection does not apply to litigants represented by counsel, and thus, this factor also weighs against Plaintiff.

4. Burden on the Courts

The fourth factor is whether Plaintiff has caused needless expense to other parties or unnecessarily burdened the courts. Because Plaintiff has filed a countless number of vexatious claims, the Court believes this factor plainly weighs against him.

5. Adequacy of Other Sanctions

The final factor is whether sanctions, other than a pre-filing order, could adequately protect the court and other parties. For the reasons already discussed, the Court believes the answer is no. As noted above, Plaintiff's filings appear meritorious when examined individually. Their vexatious nature is revealed only when viewed in the aggregate. Thus, the only effective way to put a reviewing judge on notice of Plaintiff's history is to require Molski to file a copy of this order with every new complaint that he seeks to file. This would allow the reviewing judge to assess whether Molski had raised a bona fide claim of discrimination under the ADA, or whether he was merely bringing another vexatious claim in order to strong arm a business into settling. See, e.g., In re Billy Roy Tyler, 839 F.2d 1290, 1293-94 (8th Cir. 1988) (per curiam) (holding that a pre-filing order is appropriate where petitioner was able to consistently dress up frivolous claims so that, on the face of the complaint, they appeared to be meritorious).

Conclusions

The Court is convinced that a pre-filing order is justified and necessary to prevent Molski from filing any further vexatious complaints. The Court has no doubt that Molski's "shotgun litigation" tactics "undermine both the spirit and purpose of the ADA." In addition to misusing a noble law, Molski has plainly lied in his filings to this Court. His claims of being the innocent victim of hundreds of physical and emotional injuries over the last four years defy belief and common sense.

But Molski has not acted alone. In every action, Molski is aided and abetted by his attorneys, often the Thomas E. Frankovich Law Offices, and his corporate co-Plaintiff, Disability Rights Enforcement Education Services: Helping You Help Others ("DREES"). For that reason, this Court is also issuing orders to show cause why the Court should not exercise its inherent power to extend similar sanctions to them, for their role in facilitating Molski's abusive litigation practices.

The Court is also troubled by the fact that Molski raises a federal ADA claim in the federal courts, while seeking a remedy, money damages, exclusively available under state law. Even if proven, the ADA claim would not entitle Molski to any relief that is not already available under state law. Additionally, the burden of proving an ADA claim is necessarily at least as high as proving a violation to the California statutes, as a violation of the ADA constitutes a prima facie violation of those statutes. Thus, the ADA claims do not extend Molski any benefit in terms of the litigation itself, or the remedies he may seek, other than allowing him to proceed in the federal courts.

For that reason, the Court believes that Molski's ADA claims are a sham, used as a pretext to gain access to the federal courts, while he pursues remedies that are available - sometimes exclusively - under California state law. Therefore, the Court will also issue an order to show cause why Molski's ADA complaint should not be dismissed, and his remaining claims remanded back to state court, for lack of subject matter jurisdiction.

Sadly, Molski is not unique. The Trevor Law Group, and others like it, have achieved infamy in California for carrying out a similar scheme under California's Unfair Business Practices statute, Bus. & Prof. Code § 17200 et seq. As one Court described it:

The abuse is a kind of legal shakedown scheme: Attorneys form a front "watchdog" or "consumer" organization. They scour public records on the Internet for what are often ridiculously minor violations of some regulation or law by a small business, and sue that business in the name of the front organization. Since even frivolous lawsuits can have economic nuisance value, the attorneys then contact the business (often owned by immigrants for whom English is a second language), and point out that a quick settlement (usually around a few thousand dollars) would be in the business's long-term interest.

These words could apply, almost verbatim, to the scheme perpetrated by Molski, DREES, and the Frankovich firm. And this Court is not unmindful of the result of the Trevor Law Group's abuse of the Unfair Business Practices statute. In the most recent election, the citizens of California overwhelmingly backed Proposition 64, which greatly limited the private attorney general provision of that law. It is not beyond the realm of belief that the actions of Molski, and those like him, pose a similar threat to the ADA.

Thus, this pre-filing order serves as a bulwark that not only shields the Court and defendants from vexatious litigation, but also protects the "purpose and spirit of the ADA." It does not limit the right of a legitimately aggrieved disabled individual to seek legal relief under the ADA; it only prevents abuse of that law by professional plaintiffs, like Molski, and their lawyers, such as the Frankovich firm, whose priority is their own financial gain, and not "the elimination of discrimination against individuals with disabilities." 42 U.S.C. § 12101(b)(1).

For all of these reasons, the Court finds that Jarek Molski is a vexatious litigant. Before filing any new litigation alleging violations of Title III of the ADA in the United States District Court for the Central District of California, Molski is hereby ordered to file a motion for leave to file a complaint. Molski must submit a copy of this order and a copy of the proposed filing with every motion for leave. This will allow a reviewing judge to assess whether the proposed filing is made in good faith, or is simply another attempt to extort a settlement.

Rule 11 Sanctions

Defendant has also requested sanctions under Rule 11. At this point, the Court has not made any formal determination regarding the merits of the instant case, and as such, Rule 11 sanctions would be premature. The request for sanctions is therefore DENIED.

IT IS SO ORDERED.

EDWARD RAFEEDIE
Senior United States District Judge

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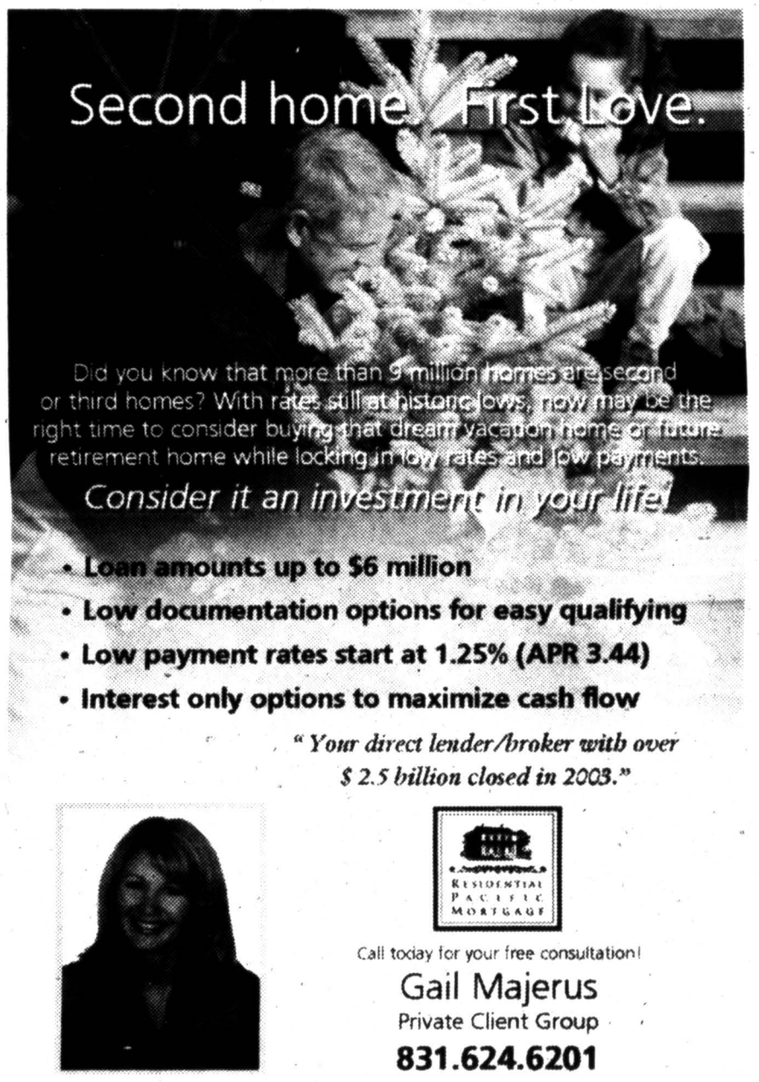
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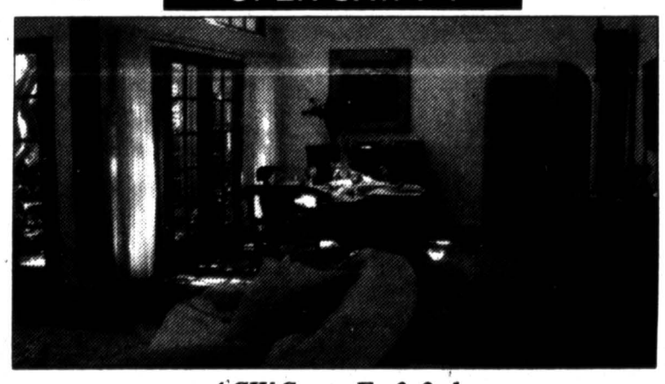

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POLICE LOG

From page 7B

ported to CHOMP by ambulance.

Big Sur: Male suspect, age 19, was arrested on Highway 1 at Fernwood for being under the influence of mushrooms and damaging a vehicle by throwing his skateboard at it. Victim vehicle owner was a 55-year-old male.

Carmel area: A fire at a Hatton Road residence was determined to be isolated. FIre personnel extinguished the fire and speculated that it was possibly a product liability issue.

Carmel area: Subject reported an 84-year-old male as a missing person. He returned home to his Morse Drive residence a few minutes later.

THURSDAY, DEC. 9

Carmel-by-the-Sea: Observed a subject sleeping in the alcove at the Carmel Mission at 0221 hours. He was contacted and warned for camping in public. He was interviewed and released. He stated he understood and agreed not to camp in public.

Carmel-by-the-Sea: Female came into the station to report she lost her ring in the ladies' restroom at the Carmel Plaza. She took it off to wash her hands at about 1200 hours and realized she left it there at 1230 hours. She returned to the restroom to search for it but was met with negative results. She reported it to the Carmel Plaza management and filed a report. Missing ring is diamond and sapphire.

Carmel-by-the-Sea: Caller requested advice concerning child custody and domestic violence issues.

Carmel-by-the-Sea: Observed a female and a male seated outside a San Carlos Street liquor store talking with a subject known to police to be over 21 years old. Believed the subjects seated were attempting to "shoulder tap" from the male subject. Noted the female and male appeared to be under 21 years old. Contacted the subjects and also immediately recognized the female, who was smoking, and was aware she is under 18 years old. When asked how old they were, the female stated she was 21 and didn't have her license on her. She was told that she needed to to provide I.D. since she was smoking and the officer didn't believe her. The importance of telling the truth was explained to her, and she finally admitted she was only 17 years old. She was cited.

Carmel-by-the-Sea: Engine 7111 responded to a direct report of wires down at Camino Real between 13th and Santa Lucia. On scene, secured to the side of the roadway with flagging was downed cable TV service wires. FireComm to notify for repairs.

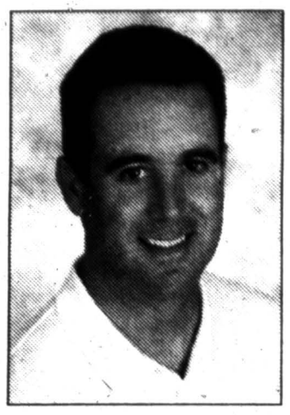
Carmel area: A male suspect, age 24, was arrested at the Highlands General Store for being drunk in public.

Carmel Valley: Male reported a student was found to be in possession of a small amount of marijuana on school grounds at Carmel Valley High School during a random drug search.

Carmel Valley: Male reported that a male subject in his 20s attempted to pass a counterfeit $20 at his store on East Carmel Valley Road.

Carmel Valley: Female, age 63, reported that a subject took a painting valued at $2,000 from her residence when she moved out.

Big Sur: Deputies received a 911 call to Deetjen's Big Sur Inn about a male suspect yelling, knocking on doors and banging on objects with a stick. Witnesses identified the



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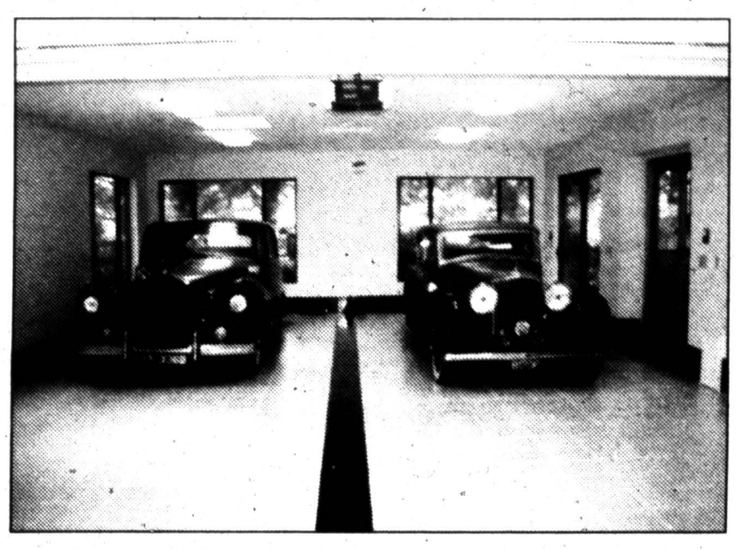

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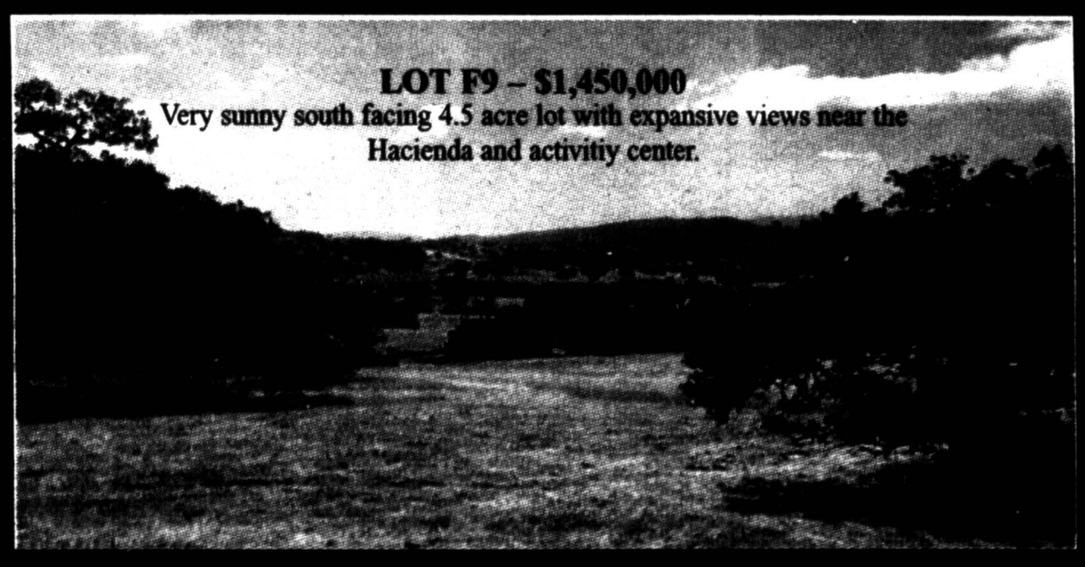

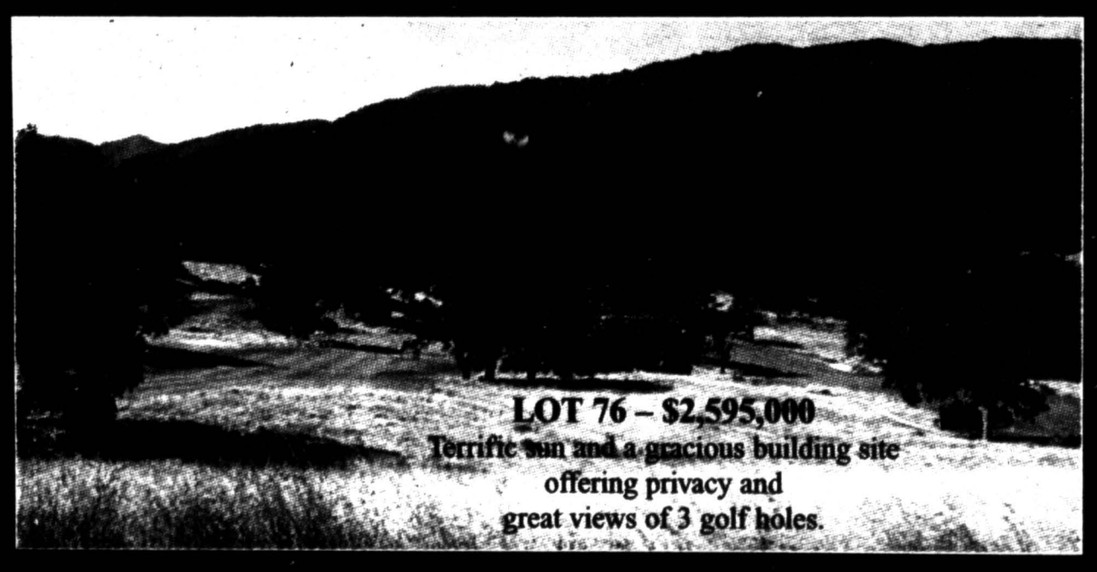

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POLICE LOG

From page 10B

suspect, a 53-year-old male, as a guest who was found unresponsive on a hotel bed. Suspect booked on charges of disturbing the peace, public intoxication, resisting arrest and possession of marijuana.

Carmel area: Male, age 54, reported having a domestic dispute with his father at a San Pedro Lane residence over money matters. He was given a ride back to his care residence in Seaside.

Big Sur: Suspect, a 37-year-old male, was arrested at 2207 hours for driving under the influence of alcohol, resisting or delaying a peace officer and battery on a peace officer. The suspect was transported to Monterey County Jail.

FRIDAY, DECEMBER 10

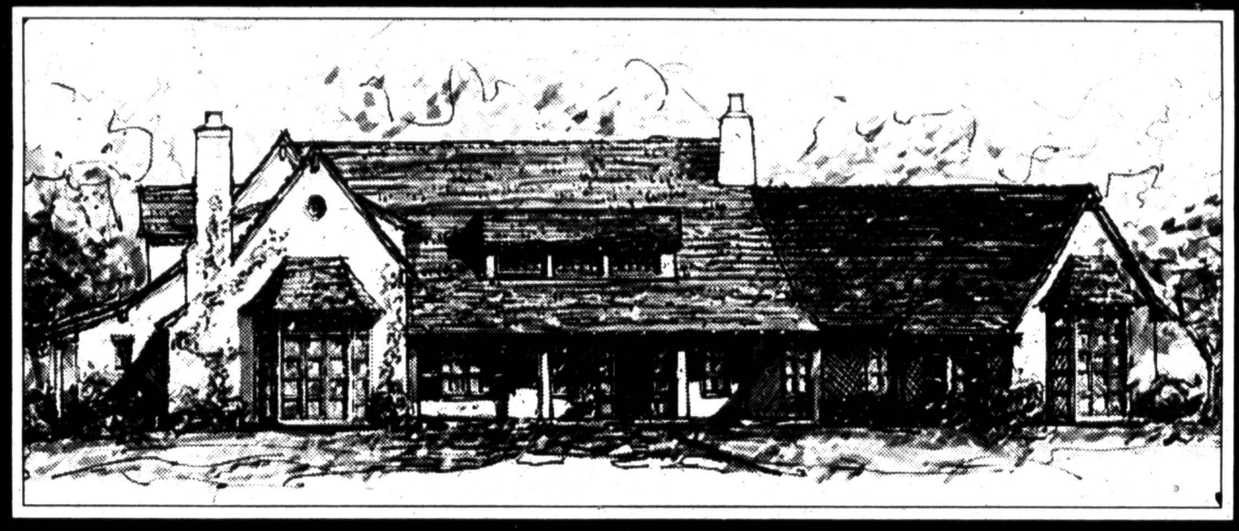
Carmel-by-the-Sea: Vehicle was stopped on Alta for a nonfunctioning right headlight and expired registration. The female driver was found to be under the influence of alcohol and only 20 years old. She provided a breath test of .11 percent blood alcohol and was arrested for DUI and zero tolerance. She was released on citation.

Carmel-by-the-Sea: Observed a subject sitting on a concrete embankment on Junipero drinking a 40-ounce bottle of Budweiser beer at 0907 hours. He had it covered in a brown paper bag. When he saw the officer approaching, he immediately tried to hide the beer in the bushes behind where he was sitting. He admitted to drinking the beer and that it was the only alcoholic beverage he'd had to drink today. It was only a quarter of the way gone. The rest was poured out and it was explained to him that he was not allowed to drink alcoholic beverages in public. He was released. He stated he understood and agreed not to drink in public again. Subject stated something about having electric shocks go through his body randomly. He is not taking any medication.

Carmel-by-the-Sea: Citizen reported a woman was walking down Carmelo Street yelling and spitting. An earlier call from a bank employee reported an irate customer matching her description had left on foot in the same area. She was contacted and she stated she was upset with a bank transaction, so she was walking down the street yelling and spitting at cars because she was angry. She said she had problems with the seratonin levels in her brain and was being treated by a doctor for mental problems. This was confirmed by her father via telephone who said she has been off her medications and was becoming unpredictable. He said she was diagnosed with a bipolar disorder. She stated she was going to walk home and call her doctor right away.

Carmel-by-the-Sea: Victim reported he wrote a check to his phone company and sent it through the mail. The check was cashed, but the phone company did not receive it. His bank could not figure out who cashed the check, so they credited him the full amount. The bank will investigate further. The subject will follow up with CPD if he discovers any new information.

Happy Holidays
from



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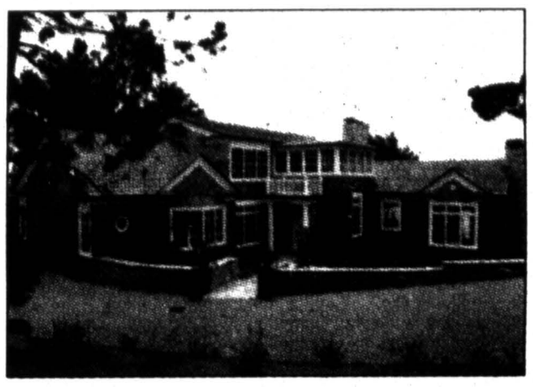

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CARMEL MAGIC! Enchanting 3-bedroom, 2-1/2-bath Carmel cottage on an oversized lot in a private location just a short walk to the beach and Village. With a gourmet kitchen/family room with Carmel stone fireplace, landscaped gardens, double garage and a doggie bath! $2,150,000.

PRIVACY & SIZE! Overlooking the Fish Ranch and near the Carmel Mission, is this 3-bedroom, 3-1/2-bath home. Offering 3500 sq. ft., the living room, dining room and kitchen/family room access an expansive deck. Master bedroom includes a fireplace, and private deck. $2,250,000.

SERENITY ON CARMEL POINT! This magical property, a Comstock-style 3-bedroom, 2-1/2-bath home plus guesthouse, has beautiful old doors and windows that open to stone patios, gardens & mountain views. Dutch door and original adobe tile floors. $2,900,000.

STORYBOOK COTTAGE! Beyond charming describes this classic 2-bedroom, 2-bath cottage with soaring cathedral ceiling and cozy

Carmel...

wander along peaceful meandering lanes under a canopy of pines.

Classic Bungalow!

Charming as they come, a tasteful remodel in keeping with the cottage style including a Carmel-stone fireplace, hardwood floors and fantastic era kitchen. A separate studio, stone patio and tree-hugging deck all on a mature landscaped double lot with privacy and opportunity for future expansion. A short stroll to the heart of Carmel, a tad longer to the beach. $1,395,000.

Carmel-stone fireplace. Built by M.J. Murphy in 1926 and lovingly maintained. Just a short stroll to the beach. $1,069,000.

GRACIOUS GATED ESTATE! Enter the wrought-iron gates of this restored early California-style estate built in 1928. With 5 bedrooms, 5 renovated baths, huge country kitchen, outdoor fireplace, lots of terraces, and magnificent gardens. Ocean view from upstairs sundeck. $5,995,000.

BIG SUR

OCEAN & FOREST VIEWS! Serenity is assured in this three-level 3-bedroom, 3-bath hideaway, with separate guest house, adjacent to Ventana Inn. Entry is through a private, gated road. Featuring warm wood and lots of glass create a light, bright and inviting open element. $2,495,000.

PACIFIC GROVE

ON THE DUNES! Boasting beautiful ocean and sunset views is this beach house hideaway located just steps to the sea and Asilomar Beach. With 2-bedrooms, 1-1/2-baths plus sea-view potting shed and two-car garage. All on a 1/4 acre site. This beach house awaits your TLC! $1,750,000.

CARMEL VALLEY

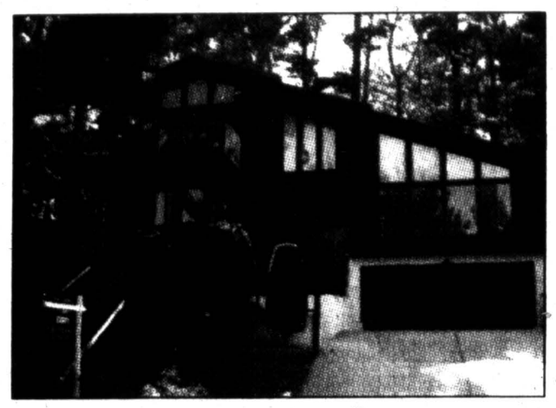
UPPER DEL MESA! This expanded "B" unit offers all you can wish for: near parking guest housing, no stairs, wonderful pine forest views and many amenities. With a remodeled kitchen, built-in office, and a large living room with beamed ceiling, recessed lighting and skylights. $740,000.

QUALITY, CONVENIENCE & STYLE! A truly fabulous 3-bedroom, 2-1/2-bath home of AIA award-winning design recently updated and expanded. Mahogany planks floors, kitchen with granite counters, tranquil master suite and views of a forested canyon, deck and pool. $1,395,000.

CASA CIELO! Handsomely gated, this 14-acre estate has unsurpassed ocean, mountain and valley views - coveted privacy, set in a world all its own. Featuring a master suite, solarium with swim-spa and sauna, 3 bedrooms, guest suite, and an atrium with 18-foot ceilings. $2,750,000.

MONTEREY

WONDERFUL VALUE! On a quiet lane, this 2-bedroom, 2-1/2-bath home is conveniently located to downtown and schools. The entire upper floor is dedicated to the master bedroom/ bathroom suite, and a third bedroom could be easily added. New carpet, paint, and roof. $825,000.



SUNRISE OVER THE PACIFIC! Designed with entertainment and privacy in mind, this well-maintained home in Skyline Forest captures sunrise-over-the-Bay views. Four bedrooms, 2-1/2 baths, wall of glass in the living room, view deck and family room/ kitchen combination. $1,150,000.

PEBBLE BEACH

COUNTRY CLUB "CASA"! Prepare to be enchanted by this timeless and refurbished Mediterranean casa with some ocean views. Spacious with high-beamed ceilings, formal dining room, large family room, den, 3 bedrooms, and 3 baths. The grounds are lovely and landscaped with patios. $2,350,000.

DUNES COURSE VIEWS! Adorable 3-bedroom, 2-1/2-bath Mediterranean hideaway overlooks the 8th fairway and is just a block to the Country Club. Totally remodeled, great style prevails with high ceilings, banks of French doors, hardwood, marble and granite floors. $1,995,000.

VIEWS, VIEWS, VIEWS! The best view in Pebble Beach is seen from this new modern Mediterranean classic on a 1.7 acre site. Panoramic ocean views from every room of this stunning 4-bedroom, 2-bath plus 2-half-bath home with walls of glass, travertine marble, and soaring ceilings. $7,850,000.

THREE GABLES! Commanding the 14th fairway of Pebble Beach Golf Links is this magnificent new estate. This 5-bedroom, 11,300 sq. ft. residence has it all. With ocean and Point Lobos views and just a stroll to The Lodge, it just might be the finest home in Pebble Beach. $27,900,000.

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